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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **ARB.P. 290/2023**

OVINGTON FINANCE PVT. LTD.

..... Petitioner

Through: Mr. Aniket Rajput, Adv. (VC).
versus

ALIHASAN

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

16.01.2024

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1. By way of the present petition filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the '*A&C Act*'), the petitioner seeks appointment of an Arbitral Tribunal comprising of a Sole Arbitrator to adjudicate the disputes between the parties.
2. It has been submitted that the respondent has duly been served. However, none has appeared on behalf of the respondent.
3. Learned counsel for the petitioner submits that the parties had entered into a Loan Agreement dated 21.11.2019. It is submitted that the said Agreement contains an arbitration clause, which provides that all disputes, with respect to the said agreement, shall be referred to arbitration as per provisions of the A&C Act, and further provides that the place of arbitration would be at Delhi.
4. Disputes having arisen between the parties, the petitioner invoked arbitration vide legal notice dated 04.02.2023.
5. Considering that the respondent has duly been served however none has appeared the present petition is disposed of with the following directions:



- i) The disputes between the parties under the said agreement are referred to the arbitral tribunal.
 - ii) As agreed by both the counsels for the parties, Mr. Brijesh Kmar Tamber, Advocate (Mobile No. 9891125411) shall nominate an Arbitrator to adjudicate the disputes between the parties.
 - iii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi hereinafter, referred to as the 'DIAC'). The remuneration of the learned Arbitrator shall be in terms of Schedule IV of the A&C Act or as the parties may agree.
 - iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
 - v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claims, any other preliminary objection, as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
 - vi) The parties shall approach the learned arbitrator within two weeks from today.
6. The petition is disposed of in the above terms.

DINESH KUMAR SHARMA, J

JANUARY 16, 2024/AR..