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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 494/2024

OYO WORKSPACES INDIA PRIVATE LIMITEDPetitioner

Through: Mr. Samarth Mehrotra, Mr. Diptiman
Acharya, Mr. Sagar Pradhan, Advs.

versus

CASHGROW FINANCIAL SERVICES PRIVATE LIMITED

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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08.10.2024

1. This is a petition seeking appointment of an Arbitrator to adjudicate the disputes between the parties.
2. The petitioner is in the business of providing workspace service/solution for monetary consideration.
3. The respondent expressed the desire to take one of the workspace service from the petitioner and entered into a Membership Agreement dated 24.07.2023.
4. The respondent was granted the right to occupy 25 seats in the co-working space from 01.07.2023 to 30.06.2024 at the rate of ₹ 1,75,000/- per month along with the GST.
5. The respondent was in arrears of the said payment and hence the petitioner invoked arbitration *vide* legal notice dated 17.02.2024.
6. The arbitration clause is Clause 27 of the Membership Agreement and reads as under:

“27. Governing Law and Dispute Resolution: Governed by Indian law, Disputes shall be resolved by arbitration in accordance with the Arbitration and Conciliation Act, 1996 at New Delhi only.”



7. On the last date, Mr. Kumar, learned counsel for the respondent appeared and sought and was granted 4 weeks to file a reply.

8. Neither a reply has been filed nor is anybody appearing on behalf of the respondent.

9. For the said reasons, the petition is allowed and disposed of with the following directions:

- i) Mr. Vikas Sharma, Advocate (Mob. No. 9810566116) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- ii) 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').
- iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
- 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 claim, any other preliminary objection, as well as claims/counter-claims and 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.

JASMEET SINGH, J

OCTOBER 8, 2024/DM

Click here to check corrigendum, if any