



\$~7

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

+ **ARB.P. 777/2024**

MONEYWISE FINANCIAL SERVICES PVT LTD.....Petitioner

Through: Ms. Mehvish Khan, Ms. Aishwariya
Prarashar, Mr. Deepak Mahajan, Ms.
Unnati, Ms. Hira Khan, Advts.

versus

**DADA ELCTRICALS THROUGH ITS PROPRIETOR SH RANJAN
PANDEYRespondent**

Through:

**CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH**

ORDER
26.07.2024

%

I.A. 30643/2024-EX.

1. Exemption is granted subject to all just exceptions.
2. The petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules before the next date of hearing.
3. The application is disposed of.

ARB.P. 777/2024

4. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of a Sole Arbitrator to adjudicate the disputes between the parties.
5. The arbitration clause is Clause 10.1 of the Master Loan Agreement dated 02.11.2018.
6. Since there were disputes between the parties, the petitioner invoked



arbitration vide Legal Notice dated 18.01.2024.

7. Ms. Khan, learned counsel for the petitioner has drawn my attention to the Loan Agreement and more particularly Schedule I being details of Borrower and Guarantors, wherein the e-mail id of the respondent has been shown as “dadaelectricals01@gmail.com”.

8. She further draws my attention to the affidavit of service, wherein the respondent has been served at the said e-mail id and the said e-mail has not bounced backed.

9. As per the speed post tracking report, respondent is also served at 2271 Street No. 172, Ganeshpura-B, Trinagar, New Delhi-110035 and 86-B, First Floor, Pocket A, LIG Flats, Rampura, New Delhi-110035.

10. For the said reasons, I am satisfied that the respondent has been served and despite service, there is nobody appearing.

11. In this view of the matter, the petition is allowed. Since the parties are still having disputes between them, the following directions are issued:-

- i) Ms. Sakshi Popli, Advocate (Mob. No. 9811222660) 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’). The remuneration of the learned Arbitrator shall be in terms of the Fourth Schedule of the Arbitration & Conciliation Act, 1996.
- iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.



iv) 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.

v) The parties shall approach the learned Arbitrator within two weeks from today.

JASMEET SINGH, J

JULY 26, 2024/NG