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

+ ARB.P. 253/2025

MS SANDHU MOTOR FINANCE PVT LTDPetitioner

Through: Ms. Sonali Arora, Advocate.

versus

SHWETA & ANR.Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

04.03.2025

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1. This petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 ('A&C Act') for appointment of Independent Sole Arbitrator to adjudicate upon disputes arising out of loan agreement dated 18th November 2018. The Arbitration Clause is contained in *Clause 10.14* of the said loan agreement.

2. The disputes arose out of a vehicle loan taken from the petitioner, which is a non-banking finance company, for purchase of TVS APACHE 180 CC vehicle.

3. Initially, since, the loan was not repaid, notice was issued for invoking arbitration proceedings, which was not responded to, by respondent. The petitioner nominated a Sole Arbitrator to adjudicate upon the claims of the petitioner. The said arbitration concluded *ex parte* and an award was passed in favour of petitioner.

4. Execution petition has been withdrawn by petitioner in view of the decision of this court in ***Kotak Mahindra Bank Ltd. v. Narendra Kumar*** 2023:DHC:3705-DB.



5. As per service report notices stand successfully served upon respondents through ordinary process. However, none appears on behalf of respondents.
6. As per counsel for petitioner, the claim is in the range of about 8 lakhs.
7. *Mr. Kawal Dang, Advocate* (Mob: 9999229460) is appointed as the Sole Arbitrator. The Arbitration proceedings shall take place under the aegis of the Delhi International Arbitration Centre ('DIAC'). The arbitration proceedings shall be conducted under the Rules of the DIAC. The fee of the Sole Arbitrator shall be as per the Fourth Schedule of the A&C Act, as amended by the DIAC Rules.
8. List before the DIAC on 11th March 2025. Let a copy of the present order be emailed to Secretary, DIAC on the email iddelhiarbitrationcentre@gmail.com.
9. Copy of this order be communicated by the Registry to the Respondent through email. Parties to appear before the DIAC which shall also issue notice to the counsel for the respondent once again.
10. Petition is disposed of with all pending applications, if any
11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 4, 2025/sm/na