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

+ **ARB.P. 350/2025**

BIZLOAN PRIVATE LIMITED

.....Petitioner

Through: Mr. Nishant Gupta, Advocate

versus

MS. JARINA BEGAM & ANR.

.....Respondents

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **27.05.2025**

1. The present petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (Act of 1996), seeking appointment of Sole Arbitrator for adjudication of disputes between the parties arising out of Facility Agreement dated 30.08.2019 ('Facility Agreement').
2. It is stated that Facility Agreement contains Arbitration Clause as 'Clause 20', applicable to the parties herein. It is stated that the said Clause 20 of the Facility Agreement provides for place of Arbitration as Delhi and further jurisdiction of Delhi Courts.
3. It is stated that the Petitioner Company invoked arbitration vide notice invoking arbitration dated 30.09.2024 in terms of Section 21 of the Act of 1996 and Clause 20 of the Facility Agreement. It is stated that Respondents refused to accept the said notice.
4. It is stated that in the light of these facts the Petitioner Company is approaching this Court for appointment of Sole Arbitrator.



5. It is stated that the Petitioner Company has evaluated its claims to the tune of Rs. 10 Lakhs.

Arguments of the Petitioner Company

6. Learned counsel for the Petitioner Company states that Respondents have been duly served on the WhatsApp number available with the Petitioner.

6.1. He states that Petitioner last evening received a response from the said WhatsApp number stating that the said number is not in use by Respondent No. 2. He states however, Petitioner verily believes that this is a valid WhatsApp number, which belongs to Respondent No.2.

7. He states that the value of Petitioner's claim is Rs. 10 lakhs.

Decision

8. Notice in the present petition was issued on 21.02.2025 and the Respondents were directed to file reply to the petition. Petitioner Company has placed on record an affidavit dated 22.05.2025, wherein, it is stated that Respondents were served through Speed Post on 13.05.2025 but the same was returned with remarks 'Insufficient Address'. The said affidavit reflects that the Respondents have been duly served on the WhatsApp. However, as per the report of the registry, Respondents have been duly served by ordinary process on the address mentioned in the memo of parties.

9. In these facts, the Respondent is deemed to have been served through process server and WhatsApp.

10. A perusal of Clause '20' of the Facility Agreement shows that there exists an arbitration agreement between the parties and the said clause has been duly invoked by the Petitioner Company by issuing the notice invoking arbitration dated 30.09.2024. Upon perusal of the Facility Agreement dated



30.08.2019 and more specifically Clause 20 therein, this Court is satisfied that the parties have agreed that the place of Arbitration will be Delhi.

11. Considering the fact that arbitration agreement forms part of the Facility Agreement and it is mentioned in the said agreement that a Sole Arbitrator is to be appointed for adjudication of the disputes, therefore the present petition is allowed with the following directions:

12. Since, the amount involved in the present petition as on date of filing was approximately Rs. 10 lakhs, therefore, this Court finds it appropriate to appoint an Advocate as the Sole Arbitrator. Accordingly, Ms. Wamika Trehan, Advocate [Mobile No.: 9818978088, Email ID: wamika.trehan@khaitanco.com, Enrolment No.: D/2176/2014] is appointed as a Sole Arbitrator.

13. The arbitration will be held under the aegis of the DIAC. The remuneration of the Sole Arbitrator shall be in terms of the Schedule IV of the Act of 1996.

14. The Sole Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act of 1996 before entering into the reference.

15. 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 of the Sole Arbitrator.

16. Learned counsel for the Petitioner states that the statement of claim will be duly filed within four (4) weeks.

17. List for preliminary hearing to be presided over by the learned sole Arbitrator on 18.07.2025 at 10:30 AM.

18. The DIAC is directed to issue fresh notice to the Respondents for the



hearing dated 18.07.2025.

19. With the aforesaid direction, the petition stands disposed of.

20. The registry is directed to send a copy of this order to Secretary, DIAC for information and compliance and the learned Sole Arbitrator.

21. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MAY 27, 2025/mt

MANMEET PRITAM SINGH ARORA, J

[Click here to check corrigendum, if any](#)