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

+ **ARB.P. 776/2025**

ENMAS INDIA PVT. LTD. & ORS.

.....Petitioners

Through: Mr. S. Sethu Mahendran, Mr. Saurabh George, Advocates.

versus

**OXYZO FINANCIAL SERVICES
LIMITED & ANR.**

.....Respondents

Through: Mr. Sanyam Khetarpal, Advocate.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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15.07.2025

ARB.P. 776/2025

1. This petition has been filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 ('A&C Act') seeking appointment of a sole Arbitrator to adjudicate the disputes that have arisen between the parties.

1. It is stated that the disputes arise out of the Master Facility Agreement (MFA) dated 21.07.2021 and Purchase Agreement dated 16.07.2021.

2. The arbitration clause is at Clause 17 of the MFA and an unnumbered Clause of the Purchase Agreement.

3. It is stated in the petition, that the petitioners and the respondents are corporate entities engaged in commercial arrangements involving supply and finance facilities. Disputes arose when, despite the petitioners clearing their dues under the finance facilities, the respondents invoked the bank guarantee furnished by the petitioners, allegedly on account of damages suffered by an associate concern. This invocation of the bank guarantee is disputed by the petitioners as illegal and arbitrary.



4. Subsequently, the petitioners issued a legal notice dated 11.12.2024 invoking arbitration under Clause 17 of MFA and the Arbitration clause of the Purchase Agreement. It is stated that despite service of the notice, the respondents failed to concur on the appointment of an arbitrator.

5. Learned counsel for the petitioner states that the claim value is Rs. 1,00,00,000/-, being the value of the Bank Guarantee.

6. In light of the foregoing facts, the petitioners have approached this Court for the appointment of a Sole Arbitrator and reference to Delhi International Arbitration Centre ('DIAC').

7. Mr. Sanyam Khetarpal, learned counsel for the respondents states, on instruction, that without prejudice to the rights and contentions of the respondents, they have no objection to reference of the disputes to arbitration.

8. Learned counsel for the parties consent that an advocate be appointed and parties be referred to DIAC.

9. This Court has considered the submissions of the parties.

10. This Court has perused the arbitration clause in the Master Facility Agreement and the Purchase Agreement and is satisfied that an arbitration agreement exists between the parties.

11. In the aforesaid facts and in view of the consent of parties, the parties are referred to DIAC and Mr. Ashish Dholakia, Senior Advocate (Enrl. No. D/1172/1995, Mob. No. 9811157597, e-mail id – ashish.dholakia@dholakialaw.com) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties. In addition, following directions are issued:

a) The arbitration will be held under the aegis of DIAC and as per the



rules of DIAC.

- b) The remuneration of the learned Arbitrator shall be in terms of Schedule IV of the Act of 1996 as amended by DIAC rules.
- c) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act of 1996 before entering into the reference.
- d) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claims/counter-claims, any other preliminary objection, as well as claims/counter-claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.

12. The Petitioner is directed to file its Statement of Claim within six (6) weeks.

13. The Respondent as well will be at liberty to file its counter-claim along with statement of defense.

14. List for preliminary hearing to be presided over by the Sole Arbitrator on **17.09.2025 at 10:30 A.M.** at DIAC.

15. Since the date of the preliminary hearing has been fixed in the presence of the parties no further notice need be issued by DIAC to the parties.

16. The registry is directed to send a copy of this order to Secretary, DIAC and the Sole Arbitrator.

17. With the aforesaid directions, the petition stands disposed of.

18. 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.

MANMEET PRITAM SINGH ARORA, J

JULY 15, 2025/PB