



\$~2

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

+ **ARB.P. 961/2024**

ADITYA BIRLA FINANCE LIMITED

.....Petitioner

Through: Mr.Aman Vashisth and Mr.Mahip Datta
Parashar, Advocates

versus

ARHAM MANAGEMENT SOLUTIONS PVT LTD AND ORS.

.....Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

04.02.2025

%

1. By way of present petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of Arbitral Tribunal comprising of a Sole Arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into Line of Credit Facility Agreement and Term Loan Facility Agreement dated 31.07.2019, Clause 25.17 and 32.17 respectively of which provides that disputes arising between the parties with respect to the subject Agreement shall be resolved through arbitration by a Sole Arbitrator. It further stipulates that the seat of arbitration shall be at Delhi.
3. Disputes having arisen between the parties, the petitioner invoked arbitration vide notice dated 11.03.2023 issued under Section 21 of the A&C



Act, to which no reply has been received on behalf of the respondents.

4. On 08.07.2024, notice of the petition was directed to be issued to the respondents. On the last date of hearing i.e., 14.10.2024, the respondents were represented through their counsel and sought time to file the reply. Today, however, neither the respondents are represented nor any reply has been filed. It appears that the respondents have no objection to the reference of disputes to the arbitral tribunal.

5. Considering the fact that despite being represented on the last date of hearing, the respondents have chosen to not appear today and since there is no reply or objection filed on their behalf, the respondents are deemed to have consented to the reference of the present dispute to Arbitration before a Sole Arbitrator.

6. In view of the above, the present petition is disposed of with the following directions:

- i) The disputes between the parties under the said agreement are referred to the Arbitral Tribunal.
- ii) Mr. Arun Birbal, Advocate (Mob. No. 9810029802) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.
- iii) 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 DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018 or as the parties may agree.
- iv) The learned Arbitrator shall furnish a declaration in terms of Section 12 of the A&C Act prior to entering into the reference.



v) It is made clear that all the rights and contentions of the parties, including on the existence and validity of the Arbitration agreement, arbitrability of any of the claim/counter claim, any other preliminary objection, need and legality of interim relief, as well as contentions on merits of the dispute by 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.

MANOJ KUMAR OHRI, J

FEBRUARY 4, 2025

na