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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 1102/2024

MONEYWISE FINANCIAL SERVICES PVT LTDPetitioner

Through: Ms.Mehvish Khan, Advocate

versus

DHARMENDER KUMAR VERMA AND ANR.Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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27.01.2025

1. By way of present petition filed under Section 11(6) 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. An affidavit of service has been placed on record as per which, the notice was duly sent via speed post to the respondents at the address given in the Loan Agreement, however, the service was refused. The affidavit of service is accompanied by a tracking report to the said extent.
3. Learned counsel for the petitioner submits that additionally, the respondents were served through e-mail as found available on the account statement maintained by the petitioner which has not bounced back.
4. Considering the aforesaid and keeping in mind that there is no reply or representation on behalf of the respondents, it appears that they have no objection to the reference. The respondents are deemed to be served.
5. 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 DIAC.
- ii) Accordingly, DIAC shall nominate 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 Act prior to entering into the reference.
- v) 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 on merits of the dispute of 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

JANUARY 27, 2025

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