



\$~5

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

+ **ARB.P. 1071/2025**

M/S MONEYWISE FINANCIAL PVT. LTD.Petitioner

Through: Mr. Ranjeet Kumar, Advocate.

versus

SHRI LAXMI PASHU AAHAR AND ORSRespondents

Through:

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

08.10.2025

%

1. This petition is filed on behalf of the Petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('1996 Act') seeking appointment of the Arbitrator to adjudicate the disputes between the parties.

2. Affidavit of service is stated to have been filed but the same is not on record. Hard copy of the affidavit is handed over in Court and is taken on record. It is stated in the affidavit that Respondents have been served through electronic mode and the e-mail has not bounced back. Respondents have also been served through speed post and courier, in support of which tracking reports are appended which reflect service on the Respondents. None appears on behalf of the Respondents despite two calls. Respondents are accordingly set *ex parte*.

3. Disputes in the present petition emanate from Master Loan Agreement dated 31.05.2022 whereby petitioner sanctioned loan of Rs. 10,08,929/- in favour of Respondent No. 1 through its proprietor Respondent



No. 2 and Respondent No. 2 and 3 stood guarantors. Loan was payable in 36 equal monthly installments of Rs. 36,403/-. Respondents started defaulting in repayment from 06.12.2023 and Petitioner sent notice invoking arbitration dated 18.03.2025 under Section 21 of 1996 Act, however, Respondents did not respond. The Master Loan Agreement incorporates Arbitration Clause 8.2 whereby parties agreed to refer all disputes and differences arising from the agreement to Arbitration and New Delhi was designated as the seat of Arbitration. In light of the Arbitration clause, this Court finds no impediment in appointing an Arbitrator.

4. Accordingly, this petition is allowed. Coordinator, Delhi International Arbitration Centre ('DIAC') is requested to appoint a Sole Arbitrator to adjudicate the disputes between the parties. Arbitration proceedings will be held under the aegis of DIAC and as per its Rules. Fee of the Arbitrator shall be as per the DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.

5. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.

6. It is made clear that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the respective parties are left open.

7. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

OCTOBER 8, 2025/YA