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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1324/2024**

**CARS 24 FINANCIAL SERVICES PRIVATE
LIMITED**

.....Petitioner

Through: Mr. Anurag Arora, Advocate.
versus

**AKBER KHAN PROPRIETOR OF M/S A TO Z CAR SALES AND
PURCHASE AND ORS.**

.....Respondents

Through: Mr. Farrukh Rasheed and Mr. Abu
Bakr Sabbaq, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

17.01.2025

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1. This petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the '*A&C Act*') on behalf of the petitioner seeking constitution of an Arbitral Tribunal comprising of a Sole Arbitrator.
2. Learned counsel for the petitioner submits that the parties had entered into a Credit Facility Agreement dated 31.12.2019, Clause 15.2 of which provides that disputes with respect to the agreement shall be resolved through arbitration as per provisions of A&C Act. It further provides that seat of arbitration would be at Delhi.
3. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 09.07.2024, issued under Section 21 of the A&C Act.
4. Learned counsel appearing for the respondent, on instructions, submits that the answering respondent has no objection to the matter being



referred to the Arbitral Tribunal comprising of a Sole Arbitrator.

3. Considering that both the parties have consented to the reference of the disputes to the Arbitral Tribunal, 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. Deepak Joshi, Advocate, (Mob. No. 9868285766; email: adv.joshideepak@gmail.com, mail@deepakjoshi.in) 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 is requested to 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 17, 2025/ga