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

+ **ARB.P. 1490/2024**

MONEYWISE FINANCIAL SERVICES

PRIVATE LIMITED

.....Petitioner

Through: Ms. Mehvish Khan, Ms. Preeti and
Mr. Aman Choudhary, Advocates
(M:9319212148).

versus

SWIFT ENTERPRISES THROUGH ITS PROPRIETOR SH

SUPREET SINGH BAKSHI

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

11.03.2025

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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 petitioner had entered into a Loan Agreement dated 22.09.2017 with the respondent. It is stated that Clause 10.1 of the said agreement provides that disputes with respect to the Agreement shall be resolved through arbitration. It further provides for the seat of arbitration to be at New Delhi.
3. The petition is accompanied by a notice under Section 21 of the A&C Act dated 21.06.2024 vide which the petitioner has invoked arbitration.
4. Learned counsel for the petitioner states that the respondent was



served through email, which did not bounce back. She further submits that the respondent could not be served by postal means, as a result of which, service upon them was carried out by way of publication carried out in *Punjab Kesari* and *The Statesman*, both Delhi editions, dated 07.03.2025. She also states that though a physical copy of the citation has already been filed vide diary no.7736/2025, the same is not on record. She assures that the affidavit of service in this regard will be filed during the course of the day.

5. The notice of the instant petition was issued to the respondent on 25.09.2024. However, neither there is any appearance on behalf of the respondents nor any reply has been filed till date.

6. Considering the aforesaid facts, it appears that the respondent has no objection to refer the present dispute to Arbitration.

7. Accordingly, the 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. Manu Beri, Advocate (Mob: 9810244108) 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').
- iv) 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.
- v) The learned Arbitrator shall furnish a declaration in terms of Section 12 of the A&C Act prior to entering into the reference.
- vi) 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.

- vii) The parties shall approach the learned Arbitrator within two weeks from today.

MANOJ KUMAR OHRI, J

MARCH 11, 2025/rd