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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1602/2024**

MONEYWISE FINANCIAL SERVICES PVT LTD.....Petitioner
Through: **Ms. Mehvish Khan and Ms. Arunima**
Singh Jadaun, Advocates.
versus

TREE NUTS INTERNATIONAL THROUGH ITS
PROPRIETOR AND ORSRespondents
Through: **None.**

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
27.02.2025

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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 an Arbitral Tribunal comprising of a Sole Arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties entered into a Loan Agreement dated 23.01.2019, Clause 10.1 whereof provides that disputes with respect to the Agreement shall be resolved through arbitration, to be held in accordance with provisions of the A&C Act and further designates New Delhi as the seat of arbitration.
3. The petition is accompanied by notice dated 15.07.2024 invoking arbitration issued by the petitioner under Section 21 of the A&C Act.
4. As noted in the order dated 13.02.2025 passed by Ld. Joint Registrar (Judicial), the respondents stand served by way of publication. Accordingly, the respondents are deemed to be served.



5. Today, neither are the respondents represented nor any reply has been filed by them. In light of the above, it appears that the respondents have no objection to the reference of the disputes between the parties to a Sole Arbitrator.

6. Considering the aforesaid, this Court finds no impediment in referring the disputes between the parties to a Sole Arbitrator. Accordingly, the present petition is disposed of with the following directions:-

- i) The disputes between the parties under the aforesaid agreement are referred to the Arbitral Tribunal.
- ii) Ms Wamika Trehan, Advocate (Mob: 9818978088, email: wamika.trehan@khaitanco.com) 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 the 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 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 Sole Arbitrator.
- vi) The parties shall approach the learned Arbitrator within two weeks



from today.

FEBRUARY 27, 2025
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MANOJ KUMAR OHRI, J