



\$~11

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1639/2024**
BIFCO LEASING AND FINANCE PVT. LTD.Petitioner
Through: **Ms. Kusum Pandey, Advocate**

versus

T.R. COLLECTION & ORS.Respondents
Through: **None.**

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

% **ORDER**
31.01.2025

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. The notice in the instant petition was issued vide order dated 28.11.2024, directing the petitioner to file an affidavit of service. It was also noted that in case the respondents seek to oppose the instant petition, they would file their reply before the next date of hearing which was fixed for 23.12.2024. On 23.12.2024, learned counsel for the respondents entered appearance and sought file to file a reply. However, today, neither the respondents are represented nor any reply has been filed.
3. Learned counsel for the petitioner further submits that the parties had entered into a Loan Agreement dated 15.09.2013, Clause 22 of the said agreement stipulates resolution of disputes through arbitration and it provides place of arbitration to be either at Maharashtra or New Delhi. She



further states that the subject loan agreement was executed in Delhi and the respondents have their office at Faridabad. Additionally, she submits that the disputes having arisen between the parties, a notice dated 24.07.2024 was issued by the petitioner under Section 21 of the A&C Act, to which no response has been received.

4. Since there is neither any appearance nor any reply has been filed on behalf of the respondents, it appears that the respondents have no objection to the notice invoking arbitration and choosing Delhi to be the seat of arbitration.

5. In view of the aforesaid, I am of the considered opinion that the appropriate course would be to refer the parties to arbitration to adjudicate upon the disputes. Consequently, the petition is disposed of with the following directions: -

- i) The disputes between the parties under the said agreement are referred to the DIAC.
- ii) As agreed by both the counsels for the parties, 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 A&C 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/counter-claim, any



other preliminary objection including on jurisdiction, as well as claims/counter-claims on merits of the dispute of either of the parties are left open for adjudication by the Arbitral Tribunal.

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

MANOJ KUMAR OHRI, J

JANUARY 31, 2025/rd