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

+ **ARB.P. 1648/2024**

CARS 24 FINANCIAL SERVICES PRIVATE LIMITED

.....Petitioner

Through: Mr.Rit Arora and Mr.Anurag Arora,
Advocates

versus

**LAKSHAY SHARMA PROPRIETOR OF M/S HARSHIV
MOTORS & ANR.**

.....Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
06.03.2025

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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 constitution of an Arbitral Tribunal comprising of a Sole Arbitrator, to adjudicate upon the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into a Credit Facility Agreement dated 30.10.2019, Clause 15.2 of which provides that disputes arising between the parties with respect to the subject Agreement shall be resolved through arbitration. It further stipulates that the seat of arbitration shall be at New Delhi.
3. Disputes having arisen between the parties, the petitioner invoked arbitration vide notice dated 14.08.2024 issued to the respondents under



Section 21 of the A&C Act.

4. Learned counsel for the petitioner submits that respondents have been served at two known addresses through speed post, besides which, service has also been effected through WhatsApp and email, the latter of which has not bounced back. Accordingly, the respondents are deemed to be served.

5. Notably, neither the respondents are represented today nor any reply(s) has been filed on their behalf. It appears that the respondents have no objection to the reference of the disputes to the Sole Arbitrator. In view of the above, 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 comprising of a Sole Arbitrator.
- ii) Mr. Shivank Diddi, Advocate (Mob. No. 9958260000) 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 shall 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 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.

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

MANOJ KUMAR OHRI, J

MARCH 6, 2025

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