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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 1734/2024

M/S SANDHU MOTOR FINANCE PVT LTD

.....Petitioner

Through: Ms. Sonali Arora, Adv.

versus

MONIKA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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28.07.2025

1. This is a petition filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 seeking appointment of a Sole Arbitrator for adjudication of disputes between the parties arising out of Loan Agreement No. SMF/V-31/2019 dated 03.06.2019.
2. The said Agreement contains an arbitration clause being Clause 10.14 which reads as under :

“10.14 Any difference or dispute arising between the parties out the operation of this Agreement or renewal there of or In any way relating to the Rights and Liabilities of the Parties here under the same shall be referred to the sole Arbitration of the person appointed by the financier. The Arbitration proceedings shall be conducted In accordance with Arbitration & Conciliation Act 1965 & Rule made there under as amended from time to time. The Venue of Arbitration shall be Delhi, Courts at Delhi shall have exclusive



Jurisdiction in all matters arising under this Agreement.”

3. On account of default of the respondent in making the payments, the petitioner foreclosed the loan on 15.10.2020 and invoked arbitration *vide* legal notice dated 04.02.2021.
4. The respondent has been served through substituted service through publication in “*The Statesman*” and “*Rashtriya Sahara*” dated 28.06.2025. Despite service, there is nobody appearing on behalf of the respondent today.
5. I am satisfied that there are disputes existing between parties which need to be adjudicated through arbitral mechanism.
6. For the said reasons, the petition is allowed and the following directions are issued:-
 - i) DIAC will appoint an Arbitrator out of the Panel of the Advocates maintained by the DIAC.
 - ii) The arbitration will be held under the aegis and rules of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the ‘DIAC’).
 - iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators’ Fees) Rules, 2018.
 - 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/counter-claims and merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.

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

7. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

JULY 28, 2025/AS/sp