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

+ **ARB.P. 1810/2025**

AXIS FINANCE LIMITED

...Petitioner

Through: Mr. Vivek Sinha, Mr. Vivek Malik,
Advs.

versus

MAHESH & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

27.11.2025

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1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an arbitrator arising out of a Mortgage Loan Agreement dated 19.06.2024.

2. The brief facts of the case are that the petitioner granted a mortgage loan facility under the Mortgage Loan Agreement dated 19.06.2024, to the respondents.

3. Pursuant to the Agreement, the petitioner sanctioned and disbursed a sum of ₹10,50,000/- under Loan Account No. 0456MMA00014405, repayable in 120 monthly instalments of ₹12,100/- each, along with interest and other charges as per the Agreement. The respondents agreed to remain jointly and severally liable under the facility and further executed security documents recording the mortgage of their property bearing Plot No. 17, Paiki West, RS No. 246, P13, Gaurisadan Society, Behind APMC, Deesa, Gujarat, as security for due repayment.

4. The Agreement contains an arbitration clause being Clause No. 36 which read as under:



“36. JURISDICTION & DISPUTE RESOLUTION:

Any dispute arising out of or in connection with this Agreement, including any question regarding its existence, validity, or termination, shall be referred to [Arbix], an independent arbitration institution. The arbitration will be conducted as per the then-latest version of its arbitration rules (the "Rules"), which form part of this Agreement by reference. Without limiting the general applicability of the Rules, the Parties agree as follows:

(i) Online Proceedings and Rules: All arbitration proceedings (including claim filing and appointment of arbitrator) shall take place online on <https://arbix.in>, an online arbitration platform administered by Arbix. The Rules are available at https://arbix.in/arbitration_rules.

(ii) Fast Track Procedure: The arbitration shall be conducted in accordance with the fast-track procedure specified in section 29B of the Arbitration and Conciliation Act, 1996 (the "Arbitration Act"), and the award will be rendered, without any oral hearings, on the basis of pleadings, supporting documents, written arguments and any other written material that is properly before the arbitrator in terms of the Arbitration Act and the Rules.

(iii) Number of Arbitrators: The dispute shall be resolved by one arbitrator appointed in accordance with the Rules.

(iv) Governing Law: The law governing this arbitration agreement shall be the law of India



(v) Seat of Arbitration: The seat of arbitration shall be Delhi/Mumbai but all proceedings shall take place as stated above in sub-clause (i).

(vi) Language: The arbitration proceedings shall be conducted in English.

(vii) Confidentiality: The arbitration proceedings and all information disclosed during the process shall remain confidential, except as required by law or for the purpose of enforcing the award.

(viii) Data Processing: The Parties agree that Arbix may process the information and documents submitted during the arbitration process for the purposes of arbitrator discipline, quality checks, and compliance with Rules and applicable laws. This processing is necessary to maintain the integrity and quality of the arbitration service.

(ix) Finality of Award: The award rendered by the arbitrator shall be final and binding on the parties, and the parties agree to be bound thereby and to act accordingly.”

5. Since there were disputes, the petitioner invoked arbitration *vide* legal notice dated 22.08.2025.
6. As per the Affidavit of Service filed by the petitioner, the respondents have been served at their email ID i.e., meenamahesh18933@gmail.com.
7. Despite service there is nobody appearing on behalf of the respondents today.
8. I am satisfied that there is a valid arbitration clause and there are disputes which need to be adjudicated through the arbitral mechanism.



9. For the said reasons, the petition is allowed and the following directions are issued:-

- i) Mr. Prateek Kumar, (Advocate) (Mob. No. 9818451124) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
 - 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.
10. The present petition is disposed of in the aforesaid terms.

NOVEMBER 27, 2025/AS

JASMEET SINGH, J