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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1910/2024**

SIMPLEPAY FINANCE PRIVATE LIMITEDPetitioner
Through: **Mr. Zakir Hussain, Advocate.**

versus

NILESH KUMAR SONIRespondent
Through: **None.**

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
12.03.2025

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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 the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties entered into an Agreement dated 17.04.2023, Clause 13(2) of which 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. The Clause further provides for the seat of arbitration to be at Delhi.
3. The petition is accompanied by notice invoking arbitration dated 13.08.2024 issued to the respondent under Section 21 of the A&C Act.
4. Learned counsel for the petitioner submits that respondent has been served by way of speed post as well as WhatsApp message and in this regard attention is invited to the affidavit of service placed on record as per



which, service was effected on the respondent by way of speed post on 27.02.2025. Additionally, a copy of screen shot of the WhatsApp message has also been placed indicating service through electronic mode. Affidavit of service is accompanied by the tracking reports which indicate that the item stands delivered to the addressee. Accordingly, respondent is deemed to be served.

5. Since neither the respondent is represented today nor any reply has been filed on his behalf, it appears that the respondent has 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. Pritish Sabharwal, Advocate (Mob: 9871878690) 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 Arbitrators 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 Arbitrators within two weeks from today.

MANOJ KUMAR OHRI, J

MARCH 12, 2025

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