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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1925/2024 & I.A. 46965/2024**
CARS 24 FINANCIAL SERVICES PRIVATE LIMITED
.....Petitioner

Through: Mr. Rit Arora, Adv.

versus

B THANVEER PASHA PROPRIETOR OF M/S FOUR STROKE
CAR WORLD & ANR. Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
08.04.2025

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I.A. 46965/2024

1. Exemption is granted subject to all just exceptions.
2. The applicant(s) shall file legible and clearer copies of exempted documents, compliant with practice rules before the next date of hearing.
3. The application is disposed of.

ARB.P. 1925/2024

1. This is a petition filed under Section 11(5) of Arbitration and Conciliation Act, 1996, seeking appointment of an Arbitrator to adjudicate the disputes between the parties.
2. *Vide* Credit Facility Agreement dated 28.02.2020, the petitioner advanced credit facility to the respondents to purchase a vehicle. The respondent No.1 is the principal borrower and respondent No. 2 is the



co-borrower.

3. The arbitration clause is Clause No. 15.2 in the Facility Agreement which reads as under:

“15.2 Arbitration: Any dispute under this Agreement shall be settled by binding arbitration conducted in English with the seat of arbitration in New Delhi before a single arbitrator appointed by Lender at its sole discretion, as per the Arbitration and Conciliation Act, 1996.”

4. Since the respondents did not make the payment, the petitioner on 14.08.2024 issued Loan Recall Notice and thereafter, issued a notice under Section 21 of Arbitration and Conciliation Act, 1996 on 06.09.2024 invoking arbitration.
5. In loan application form, the e-mail id of respondent No. 1 and respondent No. 2 is shown as thanveerpasha313@gamil.com and mobile numbers of respondent Nos. 1 and 2 is shown as 9448386117 and 9880087869 respectively.
6. As per the affidavit of service, both respondents have been served through e-mail as well as through WhatsApp.
7. I am satisfied that respondents have been served and despite service, there is nobody appearing on behalf of the respondents. There are disputes pending between the parties which have to be resolved through arbitration mechanism.
8. For the said reasons, the petition is allowed and the following directions are issued:-
 - i) Mr. Abhishek Sonkar, Advocate (Mobile No.9582740222) is



- appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- ii) 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').
 - 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 parties shall approach the learned Arbitrator within two weeks from today.
9. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

APRIL 8, 2025/pk

Click here to check corrigendum, if any