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

+ **ARB.P. 2114/2024**

M/S. SINGH FINLEASE PVT. LTD.Petitioner

Through: **Mr. Murari Kumar, Advocate.**

versus

MOHD. SARTAJ & ORS.Respondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **28.02.2025**

1. By way of present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of 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 a Loan Agreement dated 30.04.2019, Clause 21 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. It further provides the place of arbitration to be Delhi.
3. The petition is accompanied by notice dated 18.11.2024 issued by the petitioner invoking arbitration under Section 21 of the A&C Act.
4. As per the service report placed on record, the respondents stand served through ordinary service. However, there is no appearance on their behalf. Accordingly, the respondents are deemed to be served.
5. Today, neither the respondents are represented nor any reply has been filed. It appears that the respondents have no objection to the reference of disputes to the Arbitrator.



6. Considering the aforesaid, this Court finds no impediment in referring the disputes between the parties to a Sole Arbitrator. Accordingly, 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.
- ii) Mr. Rajesh Mahajan, Advocate (Mob: 9811243112) 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

FEBRUARY 28, 2025

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