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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 12/2025**

SIMPLEPAY FINANCE PRIVATE LIMITEDPetitioner
Through: **Ms. Samya Pradha, Advocate.**

versus

SUNIL KUMAR VISHNOIRespondent
Through: **None.**

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
20.02.2025

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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 appointment of Arbitral Tribunal comprising of a Sole arbitrator, to adjudicate upon the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties entered into a Loan Agreement dated 23.01.2024, Clause 13(2) whereof provides that disputes with respect to the subject Agreement shall be resolved through arbitration, to be held in accordance with provisions of the A&C Act and further designates Delhi as the seat of arbitration. The petition is accompanied by a notice invoking arbitration dated 13.08.2024 issued under Section 21 of the A&C Act.
3. Learned counsel for the petitioner submits that the respondent stands served and an affidavit of service has been filed in this regard. Further, as



per the tracking report attached with the said affidavit of service, the status of the service of notice through speed post is mentioned as '*item delivered*'. Accordingly, the respondent is deemed to be served.

4. Today, neither the respondent is represented nor any reply has been filed on his behalf. It appears that the respondent has no objection to the reference of the present disputes to the Arbitral Tribunal.

5. 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 Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC') who shall nominate a Sole Arbitrator.
- ii) The arbitration will be held under the aegis of 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.
- iii) The learned Arbitrator shall furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- iv) 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.

v) The parties shall approach DIAC within two weeks from today.

6. Copy of this order be sent to DIAC for information and necessary compliance.

MANOJ KUMAR OHRI, J

FEBRUARY 20, 2025

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