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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 8/2025**

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

versus

TUFAIL MOHAMMADRespondent
Through: **None.**

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

% **ORDER**
20.02.2025

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 04.05.2024, Clause 13(2) whereof provides that disputes with respect to the said Agreement shall be resolved through arbitration, to be held in accordance with provisions of the A&C Act. It further stipulates the seat of arbitration shall be at Delhi. The petition is accompanied by notice invoking arbitration dated 13.08.2024 issued under Section 21 of the A&C Act.
3. As per the service report, there is a refusal of service by the respondent. The petition is also accompanied by an affidavit of service and tracking report, as per which, the petitioner has served the respondent by



way of speed post. In view of the same, the respondent is deemed to be served.

4. Today, neither the respondent is represented, nor any reply has been filed on his behalf. In light of the above, it appears that the respondent has no objection to the reference of disputes to the Arbitrator.

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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