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

+ **ARB.P. 306/2026**

ABHIYAN CAPITAL (INDIA) PVT LTDPetitioner

Through: Mr. Priyaranjan Kumar, Adv.

versus

KRISHAN KUMAR & ORS.

....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **15.05.2026**

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, 'the Act') seeking appointment of an Arbitrator to adjudicate the disputes between the parties arising out of the loan agreement dated 31.01.2025.
2. The Agreement provides for resolution by disputes by arbitration. Clause 33 of the loan agreement is an arbitration clause.
3. The disputes having arisen between the parties, the petitioner invoked the arbitration by giving a notice dated 23.11.2025 to the respondent, which did not elicit any response. Thus, the petitioner was constrained to file the present petition
4. Notice in the present petition was issued by this Court *vide* orders dated 16.02.2026 and 10.03.2026.
5. The petitioner has filed the affidavit of service stating that the respondents have been served through Speed Post. Attention of the Court has been invited to the tracking report wherefrom it is borne out that all the four notices sent through Speed Posts to the respondents have been served. Despite service, there is no appearance on behalf of the respondents.
6. At the stage of proceedings under Section 11 of the Act, the Court is



only required to satisfy itself, *prima facie*, as to the existence of the arbitration agreement all other disputes are to be left to the determination to the learned Arbitrator.

7. The loan agreement on record *prima facie* shows that it contains an arbitration clause. Nobody has appeared for the respondents to controvert this position.

8. In view of the above, the present petition is allowed and the dispute are referred to arbitration of Mr. Ujjwal Tyagi, Advocate [Mob. 9354181841] [email: advujjwaltyagi18@gmail.com].

9. The arbitration will be held under the aegis of Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi – 110003 [“DIAC”] and shall be governed by the Rules of DIAC including as to the remuneration of the learned Arbitrator.

10. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act prior to entering upon the reference.

11. As the respondents have not entered appearance in these proceedings, it is made clear that they must be served in accordance with the DIAC rules in the arbitration proceedings.

12. It is made clear that all rights and contentions of the parties are left open for adjudication by the learned Arbitrator.

13. The petition stands disposed of.

VIKAS MAHAJAN, J

MAY 15, 2026/dss