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

\# **CNR No. DLHC010421452026**

\+ ARB.P. 1610/2026

MONEYWISE FINANCIAL SERVICES PVT LTD

.....Petitioner

Through: Mr. Pankaj Kumar, Advocate.

versus

UP MONEY LIMITED AND ORS .....Respondents

Through:

CORAM:
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

% 29.10.2026

1. On the last date of hearing, notice was issued to the Respondents and the Respondents were directed to file reply to the present petition. However, the same has not been filed.

2. On a perusal of the affidavit of service filed, it appears that the notice has been duly served on the Respondents. Despite the opportunity so granted, none appears on behalf of the Respondents and the Respondents have failed to file the reply as well.

3. In view thereof and considering that the Respondents have chosen not to participate in the present proceedings despite sufficient service, this Court finds no impediment in proceeding to consider the appointment of a Sole Arbitrator.

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Signing Date:31.10.2026 15:08:17

4. The tracking details placed on record establishes that the Respondents have been duly served. The proof of service is reflected from the tracking details which are reproduced herein below:

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Ministry of Communications

Generated through Indiapost website on: 14/10/2026, 4:03:42 pm

Consignment/MO Tracking Report

Consignment/MO Number: ED290445712IN

Article Number:	Article Type:	Tariff:
ED290445712IN	SP_INLAND_DOC	₹ 88.67

Booked At:	Booked On:	Destination:
Delhi High Court SO	05/10/2026, 11:22:38	Ludhiana HO
Origin Pincode:	**Delivered On:**	**Destination Pincode:**
110003	08/10/2026, 12:27:58	141001

Event	Date	Time	Office	Remarks
Item Booked	05/10/2026	11:22:38	Delhi High Court SO	-
Item bagged	05/10/2026	16:28:42	Delhi High Court SO	-
Item Dispatched	05/10/2026	16:31:17	Delhi High Court SO	-
Bag Received	05/10/2026	21:06:35	New Delhi NSH	-
Item Received	05/10/2026	21:32:25	New Delhi NSH	-
Item bagged	05/10/2026	23:59:41	New Delhi NSH	-
Item Dispatched	06/10/2026	01:48:10	New Delhi NSH	-
Bag Received for Forwarding	06/10/2026	04:30:07	New Delhi RS TMO	-
Item Dispatched	06/10/2026	04:32:56	New Delhi RS TMO	-
Bag Received for Forwarding	06/10/2026	10:35:26	Delhi Rs TMO	-
Item Dispatched	06/10/2026	10:51:17	Delhi Rs TMO	-
Bag Received	07/10/2026	11:01:06	Ludhiana TMO	-
Item Received	07/10/2026	11:28:57	Ludhiana NSH	-

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Signing Date:31.10.2026 15:08:17

Event	Date	Time	Office	Remarks
Item bagged	07/10/2026	15:05:01	Ludhiana NSH	-
Item Dispatched	07/10/2026	16:02:41	Ludhiana NSH	-
Bag Received for Forwarding	07/10/2026	23:30:45	Ludhiana TMO	-
Item Dispatched	08/10/2026	05:12:37	Ludhiana TMO	-
Bag Received for Forwarding	08/10/2026	07:31:56	Delivery Centre Ludhiana	-
Bag Received	08/10/2026	08:13:49	Delivery Centre Ludhiana	-
Item received at Destination	08/10/2026	08:20:49	Delivery Centre Ludhiana	-
Taken out for delivery	08/10/2026	09:25:12	Delivery Centre Ludhiana	-
Item Delivered(Addressee)	08/10/2026	12:27:58	Delivery Centre Ludhiana	Article Delivered to f

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Government of India
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Consignment/MO Tracking Report

Consignment/MO Number: ED290445726IN

Article Number:	Article Type:	Tariff:
ED290445726IN	SP_INLAND_DOC	₹88.67

Booked At:	Booked On:	Destination:
Delhi High Court SO	05/10/2026, 11:22:38	Ludhiana HO
Origin Pincode:	**Delivered On:**	**Destination Pincode:**
110003	08/10/2026, 12:27:28	141001

Event	Date	Time	Office	Remarks
Item Booked	05/10/2026	11:22:38	Delhi High Court SO	-
Item bagged	05/10/2026	16:28:42	Delhi High Court SO	-
Item Dispatched	05/10/2026	16:31:17	Delhi High Court SO	-
Bag Received	05/10/2026	21:06:35	New Delhi NSH	-
Item Received	05/10/2026	21:32:25	New Delhi NSH	-
Item bagged	05/10/2026	23:59:41	New Delhi NSH	-
Item Dispatched	06/10/2026	01:48:10	New Delhi NSH	-
Bag Received for Forwarding	06/10/2026	04:30:07	New Delhi RS TMO	-
Item Dispatched	06/10/2026	04:32:56	New Delhi RS TMO	-
Bag Received for Forwarding	06/10/2026	10:35:26	Delhi Rs TMO	-
Item Dispatched	06/10/2026	10:51:17	Delhi Rs TMO	-
Bag Received	07/10/2026	11:01:06	Ludhiana TMO	-
Item Received	07/10/2026	11:28:57	Ludhiana NSH	-

Signature Not Verified
Signed By:PRAGYA ARORA
Signing Date:31.10.2026 15:08:17

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Event	Date	Time	Office	Remarks
Item bagged	07/10/2026	15:36:01	Ludhiana NSH	-
Item Dispatched	07/10/2026	16:02:41	Ludhiana NSH	-
Bag Received for Forwarding	07/10/2026	23:30:45	Ludhiana TMO	-
Item Dispatched	08/10/2026	05:12:37	Ludhiana TMO	-
Bag Received for Forwarding	08/10/2026	07:34:12	Delivery Centre Ludhiana	-
Bag Received	08/10/2026	07:59:54	Delivery Centre Ludhiana	-
Item received at Destination	08/10/2026	08:12:39	Delivery Centre Ludhiana	-
Taken out for delivery	08/10/2026	09:25:12	Delivery Centre Ludhiana	-
Item Delivered(Addressee)	08/10/2026	12:27:28	Delivery Centre Ludhiana	Article Delivered to c

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Consignment/MO Tracking Report

Consignment/MO Number: ED290445227IN

Article Number:	Article Type:	Tariff:
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Booked At:	Booked On:	Destination:
Delhi High Court SO	05/10/2026, 11:22:38	Ludhiana HO

Origin Pincode:	Delivered On:	Destination Pincode:
110003	08/10/2026, 12:27:14	141001

Event	Date	Time	Office	Remarks
Item Booked	05/10/2026	11:22:38	Delhi High Court SO	-
Item bagged	05/10/2026	16:28:42	Delhi High Court SO	-
Item Dispatched	05/10/2026	16:31:17	Delhi High Court SO	-
Bag Received	05/10/2026	21:06:35	New Delhi NSH	-
Item Received	05/10/2026	21:32:25	New Delhi NSH	-
Item bagged	05/10/2026	23:59:41	New Delhi NSH	-
Item Dispatched	06/10/2026	01:48:10	New Delhi NSH	-
Bag Received for Forwarding	06/10/2026	04:30:07	New Delhi RS TMO	-
Item Dispatched	06/10/2026	04:32:56	New Delhi RS TMO	-
Bag Received for Forwarding	06/10/2026	10:35:26	Delhi Rs TMO	-
Item Dispatched	06/10/2026	10:51:17	Delhi Rs TMO	-
Bag Received	07/10/2026	11:01:06	Ludhiana TMO	-
Item Received	07/10/2026	11:28:57	Ludhiana NSH	-

Signature Not Verified
Signed By:PRAGYA ARORA
Signing Date:31.10.2026 15:08:17

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Event	Date	Time	Office	Remarks
Item bagged	07/10/2026	15:36:01	Ludhiana NSH	-
Item Dispatched	07/10/2026	16:02:41	Ludhiana NSH	-
Bag Received for Forwarding	07/10/2026	23:30:45	Ludhiana TMO	-
Item Dispatched	08/10/2026	05:12:37	Ludhiana TMO	-
Bag Received for Forwarding	08/10/2026	07:34:12	Delivery Centre Ludhiana	-
Bag Received	08/10/2026	07:59:54	Delivery Centre Ludhiana	-
Item received at Destination	08/10/2026	08:12:39	Delivery Centre Ludhiana	-
Taken out for delivery	08/10/2026	09:25:12	Delivery Centre Ludhiana	-
Item Delivered(Addressee)	08/10/2026	12:27:14	Delivery Centre Ludhiana	Article Delivered to f

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Government of India
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Generated through Indiapost website on: 14/10/2026, 4:06:10 pm

Consignment/MO Tracking Report

Consignment/MO Number: ED290445085IN

Article Number:	Article Type:	Tariff:
ED290445085IN	SP_INLAND_DOC	₹88.67

Booked At:	Booked On:	Destination:
Delhi High Court SO	05/10/2026, 11:22:38	Ludhiana HO

Origin Pincode:	Delivered On:	Destination Pincode:
110003	08/10/2026, 12:28:35	141001

Event	Date	Time	Office	Remarks
Item Booked	05/10/2026	11:22:38	Delhi High Court SO	-
Item bagged	05/10/2026	16:28:42	Delhi High Court SO	-
Item Dispatched	05/10/2026	16:31:17	Delhi High Court SO	-
Bag Received	05/10/2026	21:06:35	New Delhi NSH	-
Item Received	05/10/2026	21:32:25	New Delhi NSH	-
Item bagged	05/10/2026	23:59:41	New Delhi NSH	-
Item Dispatched	06/10/2026	01:48:10	New Delhi NSH	-
Bag Received for Forwarding	06/10/2026	04:30:07	New Delhi RS TMO	-
Item Dispatched	06/10/2026	04:32:56	New Delhi RS TMO	-
Bag Received for Forwarding	06/10/2026	10:35:26	Delhi Rs TMO	-
Item Dispatched	06/10/2026	10:51:17	Delhi Rs TMO	-
Bag Received	07/10/2026	11:01:06	Ludhiana TMO	-
Item Received	07/10/2026	11:28:57	Ludhiana NSH	-

Signature Not Verified
Signed By:PRAGYA ARORA
Signing Date:31.10.2026 15:08:17

13

Event	Date	Time	Office	Remarks
Item bagged	07/10/2026	15:05:01	Ludhiana NSH	-
Item Dispatched	07/10/2026	16:02:41	Ludhiana NSH	-
Bag Received for Forwarding	07/10/2026	23:30:45	Ludhiana TMO	-
Item Dispatched	08/10/2026	05:12:37	Ludhiana TMO	-
Bag Received for Forwarding	08/10/2026	07:31:56	Delivery Centre Ludhiana	-
Bag Received	08/10/2026	08:13:49	Delivery Centre Ludhiana	-
Item received at Destination	08/10/2026	08:20:49	Delivery Centre Ludhiana	-
Taken out for delivery	08/10/2026	09:25:12	Delivery Centre Ludhiana	-
Item Delivered(Addressee)	08/10/2026	12:28:35	Delivery Centre Ludhiana	Article Delivered to c

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Department of Posts
Government of India
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Consignment/MO Tracking Report

Consignment/MO Number: ED290445099IN

Article Number:	Article Type:	Tariff:
ED290445099IN	SP_INLAND_DOC	₹88.67

Booked At:	Booked On:	Destination:
Delhi High Court SO	05/10/2026, 11:22:38	Ludhiana HO

Origin Pincode:	Delivered On:	Destination Pincode:
110003	08/10/2026, 12:28:45	141001

Event	Date	Time	Office	Remarks
Item Booked	05/10/2026	11:22:38	Delhi High Court SO	-
Item bagged	05/10/2026	16:28:42	Delhi High Court SO	-
Item Dispatched	05/10/2026	16:31:17	Delhi High Court SO	-
Bag Received	05/10/2026	21:06:35	New Delhi NSH	-
Item Received	05/10/2026	21:32:25	New Delhi NSH	-
Item bagged	05/10/2026	23:59:41	New Delhi NSH	-
Item Dispatched	06/10/2026	01:48:10	New Delhi NSH	-
Bag Received for Forwarding	06/10/2026	04:30:07	New Delhi RS TMO	-
Item Dispatched	06/10/2026	04:32:56	New Delhi RS TMO	-
Bag Received for Forwarding	06/10/2026	10:35:26	Delhi Rs TMO	-
Item Dispatched	06/10/2026	10:51:17	Delhi Rs TMO	-
Bag Received	07/10/2026	11:01:06	Ludhiana TMO	-
Item Received	07/10/2026	11:28:57	Ludhiana NSH	-

Signature Not Verified
Signed By:PRAGYA ARORA
Signing Date:31.10.2026 15:08:17

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Event	Date	Time	Office	Remarks
Item bagged	07/10/2026	15:05:01	Ludhiana NSH	-
Item Dispatched	07/10/2026	16:02:41	Ludhiana NSH	-
Bag Received for Forwarding	07/10/2026	23:30:45	Ludhiana TMO	-
Item Dispatched	08/10/2026	05:12:37	Ludhiana TMO	-
Bag Received for Forwarding	08/10/2026	07:31:56	Delivery Centre Ludhiana	-
Bag Received	08/10/2026	08:13:49	Delivery Centre Ludhiana	-
Item received at Destination	08/10/2026	08:20:49	Delivery Centre Ludhiana	-
Taken out for delivery	08/10/2026	09:25:12	Delivery Centre Ludhiana	-
Item Delivered(Addressee)	08/10/2026	12:28:45	Delivery Centre Ludhiana	Article Delivered to f

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Consignment/MO Tracking Report

Consignment/MO Number: ED290445108IN

Article Number:	Article Type:	Tariff:
ED290445108IN	SP_INLAND_DOC	₹88.67

Booked At:	Booked On:	Destination:
Delhi High Court SO	05/10/2026, 11:22:38	Ludhiana HO

Origin Pincode:	Delivered On:	Destination Pincode:
110003	08/10/2026, 12:27:44	141001

Event	Date	Time	Office	Remarks
Item Booked	05/10/2026	11:22:38	Delhi High Court SO	-
Item bagged	05/10/2026	16:28:42	Delhi High Court SO	-
Item Dispatched	05/10/2026	16:31:17	Delhi High Court SO	-
Bag Received	05/10/2026	21:06:35	New Delhi NSH	-
Item Received	05/10/2026	21:32:25	New Delhi NSH	-
Item bagged	05/10/2026	23:59:41	New Delhi NSH	-
Item Dispatched	06/10/2026	01:48:10	New Delhi NSH	-
Bag Received for Forwarding	06/10/2026	04:30:07	New Delhi RS TMO	-
Item Dispatched	06/10/2026	04:32:56	New Delhi RS TMO	-
Bag Received for Forwarding	06/10/2026	10:35:26	Delhi Rs TMO	-
Item Dispatched	06/10/2026	10:51:17	Delhi Rs TMO	-
Bag Received	07/10/2026	11:01:06	Ludhiana TMO	-
Item Received	07/10/2026	11:28:57	Ludhiana NSH	-

Signature Not Verified
Signed By:PRAGYA ARORA
Signing Date:31.10.2026 15:08:17

17

Event	Date	Time	Office	Remarks
Item bagged	07/10/2026	15:36:01	Ludhiana NSH	-
Item Dispatched	07/10/2026	16:02:41	Ludhiana NSH	-
Bag Received for Forwarding	07/10/2026	23:30:45	Ludhiana TMO	-
Item Dispatched	08/10/2026	05:12:37	Ludhiana TMO	-
Bag Received for Forwarding	08/10/2026	07:34:12	Delivery Centre Ludhiana	-
Bag Received	08/10/2026	07:59:54	Delivery Centre Ludhiana	-
Item received at Destination	08/10/2026	08:12:39	Delivery Centre Ludhiana	-
Taken out for delivery	08/10/2026	09:25:12	Delivery Centre Ludhiana	-
Item Delivered(Addressee)	08/10/2026	12:27:44	Delivery Centre Ludhiana	Article Delivered to f

5. The loan agreement contains an arbitration Clause being Clause 9.2 which reads as follows:

> *"**9.2. <u>Arbitration:</u>** Any disputes, differences, controversies and questions directly or indirectly arising at any time hereafter between the Parties or their respective representatives or assigns, arising out of or in connection with this Agreement (or the subject matter of this Agreement), including, without limitation, any question regarding its existence, validity, interpretation, construction, performance, enforcement, rights and liabilities of the Parties, or termination ("Dispute") thereof shall be finally settled by arbitration in accordance with the Arbitration and Conciliation Act, 1996, as amended ("Arbitration Act"). The Dispute shall be referred to a sole arbitrator duly appointed by the Parties with mutual consent failing which the sole arbitrator shall be appointed in accordance with the Arbitration Act. The language of the arbitration shall be English. The seat of the arbitration shall be at Delhi and the language of proceedings shall be English. The award rendered shall be in writing and shall set out the reasons for the arbitrator's decision. The costs and expenses of the arbitration shall. be borne equally by each Party, with each Party paying for its own fees and costs including attorney fees, except as may be determined by the arbitration tribunal. Any award by the arbitration tribunal shall be final and binding."*

6. It is well settled that, while exercising jurisdiction under Section

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11 of the Arbitration and Conciliation Act,1996[1], the scope of enquiry is confined to examining the *prima facie* existence of an arbitration agreement[2].

7. In the present case, this Court is of the view that a valid and binding agreement exists between the parties.

8. In the aforesaid circumstances, this Court finds no impediment in appointing a Sole Arbitrator.

9. Accordingly, Ms. Neeru Vaid, Advocate-On-Record, (Mob. No. 9582619834) is appointed as a learned Sole Arbitrator to adjudicate the disputes arisen between the parties. The learned Sole Arbitrator shall enter upon the reference within two weeks from today.

10. The learned Sole Arbitrator will proceed to the arbitration proceedings subject to furnishing requisite disclosures as required under Section 12(2) of the Act within two weeks of entering reference.

11. The arbitration shall be carried under the rules and aegis of Delhi International Arbitration Centre ("DIAC"). The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

12. It shall be open to the parties to raise all pleas, including objection as to arbitrability and jurisdiction, before the learned Sole

[1] "the Act" hereinafter
[2] **SBI General Insurance Co. Ltd. v. Krish Spinning 2024 SCC OnLine SC 1754**

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Arbitrator who shall decide the same in accordance with law.

13. It is clarified that the observations made herein are only for the purpose of deciding the present petition under Section 11 of the Act. The learned Sole Arbitrator shall adjudicate the disputes independently and on their own merits, uninfluenced by any observations contained in the present order.

14. The Registry is directed to send a receipt of this order to Ms. Neeru Vaid, learned Arbitrator through all permissible modes including email.

15. Accordingly, the present petition is disposed of in the above terms.

OM PRAKASH SHUKLA, J

OCTOBER 29, 2026/pa

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Signing Date:31.10.2026 15:08:17