



2026:DHC:9307



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**# **CNR No. DLHC010016512026**+ **ARB.P. 141/2026****MONEYWISE FINANCIAL SERVICES PVT LTD**

.....Petitioner

Through: Ms. Mehvish Khan, Adv.

versus

MR SANDEEP YADAV PROPRIETOR OF PUSPIT**ENTERPRISES AND ORS**

.....Respondents

Through: None.

CORAM:**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****JUDGMENT(ORAL)**

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15.10.2026

1. The present petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking appointment of a Sole Arbitrator in terms of Clause 8.2 of the Loan Agreement dated 29.07.2024 executed between the parties.

2. *Vide* order dated 05.05.2026, it was recorded that *dasti* service was attempted on the Respondents through the Assistant Manager of the Petitioner Company. However, the Respondents refused to accept *dasti* service.

3. Further, a fresh notice was also issued *vide* order dated 16.07.2026.

4. On a perusal of the affidavit of service dated 06.10.2026 filed

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by the Petitioner, it appears that notice has been duly served upon Respondent No. 1, whereas service is refused by Respondent Nos. 2 and 3. The proof of service, as reflected in the tracking details, is annexed hereinbelow:



Department of Posts
Government of India
Ministry of Communications

Generated through Indiapost website on: 5/10/2026, 6:43:53 pm

Consignment/MO Tracking Report

Consignment/MO Number: SU002540811IN

Article Number:	Article Type:	Tariff:
SU002540811IN	SP_INLAND_DOC	₹ 45
Booked At:	Booked On:	Destination:
Delhi High Court Extension Counter SO	23/09/2026, 12:38:38	Industrial Estate Gurgaon SO
Origin Pincode:	Delivered On:	Destination Pincode:
110003	25/09/2026, 16:01:42	122007

Event	Date	Time	Office	Remarks
Item Booked	23/09/2026	12:38:38	Delhi High Court Extension Counter SO	-
Item bagged	23/09/2026	16:08:14	Delhi High Court Extension Counter SO	-
Item Dispatched	23/09/2026	16:16:32	Delhi High Court Extension Counter SO	-
Bag Received	23/09/2026	21:33:58	New Delhi NSH	-
Item Received	24/09/2026	00:27:59	New Delhi NSH	-
Item bagged	24/09/2026	03:03:12	New Delhi NSH	-
Item Dispatched	24/09/2026	08:10:54	New Delhi NSH	-
Bag Received	24/09/2026	11:38:49	Haryana Sorting TMO	-
Item Received	24/09/2026	12:02:23	NSH Gurgaon	-
Item bagged	24/09/2026	15:53:55	NSH Gurgaon	-
Item Dispatched	24/09/2026	16:17:54	Haryana Sorting TMO	-
Bag Received for Forwarding	24/09/2026	19:23:53	Gurgaon Sorting TMO	-
Item Dispatched	25/09/2026	05:39:24	Gurgaon Sorting TMO	-

Event	Date	Time	Office	Remarks
Bag Received	25/09/2026	08:48:01	Palam Vihar Gurgaon SO	-
Item received at Destination	25/09/2026	09:24:05	Palam Vihar Gurgaon SO	-
Taken out for delivery	25/09/2026	10:25:32	Palam Vihar Gurgaon SO	-
Item Delivered(Addresssee)	25/09/2026	16:01:42	Palam Vihar Gurgaon SO	Delivered

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Department of Posts
Government of India
Ministry of Communications

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Consignment/MO Tracking Report

Consignment/MO Number: ED611569001IN

Article Number:
ED611569001INArticle Type:
SP_INLAND_DOCTariff:
₹ 33.03Booked At:
Darya Ganj SOBooked On:
24/09/2026, 13:35:00Destination:
Palam Vihar Gurgaon SOOrigin Pincode:
110002Destination Pincode:
122017

Event	Date	Time	Office	Remarks
Item Booked	24/09/2026	13:35:00	Darya Ganj SO	-
Item bagged	24/09/2026	16:40:13	Darya Ganj SO	-
Item Dispatched	24/09/2026	16:41:31	Darya Ganj SO	-
Bag Received	24/09/2026	21:29:33	New Delhi NSH	-
Item Received	24/09/2026	21:46:12	New Delhi NSH	-
Item bagged	25/09/2026	03:32:34	New Delhi NSH	-
Item Dispatched	25/09/2026	08:49:19	New Delhi NSH	-
Bag Received	25/09/2026	11:59:30	Haryana Sorting TMO	-
Item Received	25/09/2026	19:00:36	NSH Gurgaon	-
Item bagged	26/09/2026	02:12:12	NSH Gurgaon	-
Item Dispatched	26/09/2026	03:08:24	Haryana Sorting TMO	-
Bag Received for Forwarding	27/09/2026	20:04:29	Gurgaon Sorting TMO	-
Item Dispatched	28/09/2026	05:25:22	Gurgaon Sorting TMO	-

Event	Date	Time	Office	Remarks
Bag Received	28/09/2026	09:07:38	Palam Vihar Gurgaon SO	-
Item received at Destination	28/09/2026	09:41:45	Palam Vihar Gurgaon SO	-
Taken out for delivery	28/09/2026	11:42:20	Palam Vihar Gurgaon SO	-
Item Returned to Sender	28/09/2026	19:19:39	Palam Vihar Gurgaon SO	Refused
Item bagged	29/09/2026	15:23:00	Palam Vihar Gurgaon SO	-
Item Dispatched	29/09/2026	15:34:48	Palam Vihar Gurgaon SO	-
Bag Received for Forwarding	29/09/2026	20:07:31	Gurgaon Sorting TMO	-
Item Dispatched	29/09/2026	20:28:27	Gurgaon Sorting TMO	-
Bag Received	29/09/2026	22:44:36	Haryana Sorting TMO	-
Item Received	29/09/2026	23:31:31	NSH Gurgaon	-
Item bagged	30/09/2026	01:28:55	NSH Gurgaon	-
Item Dispatched	30/09/2026	04:20:21	Haryana Sorting TMO	-
Bag Received for Forwarding	30/09/2026	08:55:51	Delhi Rs TMO	-
Item Dispatched	30/09/2026	09:28:34	Delhi Rs TMO	-
Bag Received	30/09/2026	18:59:53	New Delhi NSH	-
Item Received	01/10/2026	01:09:28	New Delhi NSH	-
Item bagged	01/10/2026	04:02:23	New Delhi NSH	-
Item Dispatched	01/10/2026	06:02:09	New Delhi NSH	-
Bag Received	01/10/2026	07:18:12	Lodi Road DC	-
Item received at Destination	01/10/2026	07:22:42	Lodi Road DC	-
Taken out for delivery	01/10/2026	09:35:54	Lodi Road DC	-
Item Delivered (Returned to Sender)	01/10/2026	13:38:39	Lodi Road DC	Article Delivered to etyu

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Department of Posts
Government of India
Ministry of Communications

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Consignment/MO Tracking Report

Consignment/MO Number: ED611568876IN

Article Number:	Article Type:	Tariff:
ED611568876IN	SP_INLAND_DOC	₹ 33.03
Booked At:	Booked On:	Destination:
Darya Ganj SO	24/09/2026, 13:35:00	Palam Vihar Gurgaon SO
Origin Pincode:	Destination Pincode:	
110002	122017	

Event	Date	Time	Office	Remarks
Item Booked	24/09/2026	13:35:00	Darya Ganj SO	-
Item bagged	24/09/2026	16:40:13	Darya Ganj SO	-
Item Dispatched	24/09/2026	16:41:31	Darya Ganj SO	-
Bag Received	24/09/2026	21:29:33	New Delhi NSH	-
Item Received	24/09/2026	21:46:12	New Delhi NSH	-
Item bagged	25/09/2026	09:32:34	New Delhi NSH	-
Item Dispatched	25/09/2026	08:49:19	New Delhi NSH	-
Bag Received	25/09/2026	11:59:30	Haryana Sorting TMO	-
Item Received	25/09/2026	19:00:36	NSH Gurgaon	-
Item bagged	26/09/2026	02:12:12	NSH Gurgaon	-
Item Dispatched	26/09/2026	03:08:24	Haryana Sorting TMO	-
Bag Received for Forwarding	27/09/2026	20:04:29	Gurgaon Sorting TMO	-
Item Dispatched	28/09/2026	05:25:22	Gurgaon Sorting TMO	-

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Event	Date	Time	Office	Remarks
Bag Received	28/09/2026	09:07:38	Palam Vihar Gurgaon SO	-
Item received at Destination	28/09/2026	09:41:45	Palam Vihar Gurgaon SO	-
Taken out for delivery	28/09/2026	11:42:20	Palam Vihar Gurgaon SO	-
Item Returned to Sender	28/09/2026	19:19:17	Palam Vihar Gurgaon SO	Refused
Item bagged	29/09/2026	15:23:00	Palam Vihar Gurgaon SO	-
Item Dispatched	29/09/2026	15:34:48	Palam Vihar Gurgaon SO	-
Bag Received for Forwarding	29/09/2026	20:07:31	Gurgaon Sorting TMO	-
Item Dispatched	29/09/2026	20:28:27	Gurgaon Sorting TMO	-
Bag Received	29/09/2026	22:44:36	Haryana Sorting TMO	-
Item Received	29/09/2026	23:31:31	NSH Gurgaon	-
Item bagged	30/09/2026	01:28:55	NSH Gurgaon	-
Item Dispatched	30/09/2026	04:20:21	Haryana Sorting TMO	-
Bag Received for Forwarding	30/09/2026	08:55:51	Delhi Rs TMO	-
Item Dispatched	30/09/2026	09:28:34	Delhi Rs TMO	-
Bag Received	30/09/2026	18:59:53	New Delhi NSH	-
Item Received	01/10/2026	01:09:28	New Delhi NSH	-
Item bagged	01/10/2026	04:02:23	New Delhi NSH	-
Item Dispatched	01/10/2026	06:02:09	New Delhi NSH	-
Bag Received	01/10/2026	07:18:12	Lodi Road DC	-
Item received at Destination	01/10/2026	07:22:42	Lodi Road DC	-
Taken out for delivery	01/10/2026	09:35:54	Lodi Road DC	-
Item Delivered (Returned to Sender)	01/10/2026	13:38:56	Lodi Road DC	Article Delivered to rhu

Signature Not Verified

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5. In view thereof and considering that the Respondents have chosen not to participate in the present proceedings, this Court is constrained to proceed *ex-parte* and to consider the appointment of a Sole Arbitrator on the basis of the material on record.

6. It is well settled that, while exercising jurisdiction under Section 11 of the Act, the scope of enquiry is confined to examining the *prima facie* existence of an arbitration agreement.

7. In the present case, there is no dispute with regard to the existence of a valid arbitration clause between the parties. The arbitration clause is reproduced as below:-

8.2 Arbitration: 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.

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



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9. Accordingly, Ms. Rajni Anand, Advocate, (Mob. No. 9891593401) 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 three 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 three 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, before the learned Sole Arbitrator including with respect to the impleadment of parties, objection as to arbitrability and jurisdiction before the learned Sole Arbitrator, who shall consider 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(6) 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.



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14. The Registry is directed to send a receipt of this order to Ms. Rajni Anand, 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 15, 2026/at