



2026:DHC:8465



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

CNR No. DLHC010995232025

+ **ARB.P. 2059/2025**

MONEYWISE FINANCIAL SERVICES PVT LTD

.....Petitioner

Through: Ms. Arunima Jadaun,
Advocate.

versus

SOLARWAY NXTGENERATION PVT LTD AND ORS

.....Respondents

Through: Mr. Vinay Jaiswar, Advocate
for Dr. Ashwani Bhardwaj,
Advocate for R-2 and 3.
Mr. Shivam Singh Vishen and
Mr. Rakshit Munjal, Advocates
for R-4.

CORAM:

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

% **25.09.2026**

1. The present petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996¹ seeking appointment of Sole Arbitrator.

2. On the last occasion this Court had passed the following order:

"1. As per the mediation report filed, the next date before mediation is 18.09.2026.

2. Accordingly, list this matter before this Court on 25.09.2026 to ascertain the outcome of mediation."

Signature Not Verified ¹ "Act" hereinafter

Signed By: ANUBHAK TRIPATHI
Signing Date: 30.09.2026
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3. Pursuant thereto, the parties were referred for mediation.
4. Learned Counsel for the Petitioner and learned Counsel for Respondent No.4 submit that mediation could not fructify on account of the non-participation of Respondent Nos.2 and 3.
5. Mr. Vinay Jaiswar, learned Counsel appears on behalf of Respondent Nos.2 and 3.
6. Learned Counsel for Respondent Nos.2 to 4 submits that they have no objection to the appointment of an Arbitrator.
7. Learned Counsel, however, seek one further opportunity for the parties to explore an amicable settlement.
8. Acceding to the same, the matter is referred to Delhi High Court Mediation and Conciliation (*Samadhan*) and the parties are directed to appear in person or through their authorized representative along with their respective Counsel before the Mediation Centre on 01.10.2026.
9. Three weeks' time is granted for exploring the possibility of settlement through mediation.
10. If mediation fails, the parties are also *ad idem* with respect to reference of the disputes to arbitration. There is no dispute with regard to the existence of a valid arbitration agreement between the parties.



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11. 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 agreement².

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

13. Accordingly, Ms. Vaishali Gupta, Advocate, (Mob. No.8383031929) 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 the date of the mediation report recording failure of settlement.

14. 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 six weeks of entering reference.

15. 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.

16. It shall be open to the parties to raise all pleas, including objection as to arbitrability and jurisdiction, before the learned Sole Arbitrator who shall decide the same in accordance with law.

17. It is clarified that the observations made herein are only for the



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purpose of deciding the present petition under Section 11(6) of the Act. The learned Sole Arbitrator shall adjudicate the disputes with claims and counter claims independently and on their own merits, uninfluenced by any observations contained in the present order.

18. The Registry is directed to send a receipt of this order to Ms. Vaishali Gupta, learned Arbitrator through all permissible modes including email.

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

OM PRAKASH SHUKLA, J

SEPTEMBER 25, 2026/pa