



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 06TH DAY OF SEPTEMBER 2021

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

O.P. No.400 of 2015

O.P.NO.400 OF 2015:-

In the matter of Indian Arbitration and
Conciliation Act 1996

And

In the matter of Arbitration case Ref
No.RELGARE/HL/LOT-3/Sept.14/RB: 2911/75
and in matter of the Arbitration Loan Agreement
No. XMORSA100043377 (Application ID
No.590480) Award dated 20.03.2015.

1.Solar Designs Private limited,
No.602, Parsn Manere,
1A Wing, 3rd Floor, Anna Salai,
Chennai – 600 006.

2.Mr.A.A.K.Apath Sakaayem

3.Sumathi C
2 & 3 R/o.Pillaaiyar Karpagham,
Flat No.6, First Floor,
14/10, Vashanthi Aparts.,
Sadasiva Street,
Opp. To Geeth Bahvan Road,
Gopalapuram, Chennai – 600 086.

4.Pewturman Decor Private Limited,
2 to 4 C/o. Solar Designs Private Limited,
No.602, Parsn Manere,
1A Wing, 3rd Floor, Anna Salai,
Chennai – 600 006.

...Petitioners/Borrowers



2

Vs.

1.M/s.Religare Finvest Limited,
Having its Registered Office at
D-3, P3B, District Centre, Saket,
New Delhi – 110 017.

...Respondent / Claimant

2.Sh.Sanjay Aggarwal,
Advocate, Sole Arbitrator,
G-12/1, Ground Floor,
Sector -15, Rohini,
New Delhi-110085

3.India Resurgence ARC Pvt. Ltd.,
3rd Floor, Unit 304, Piramal Tower,
Peninsula Corporate Park,
Lower Parel, Mumbai 400 013

...Respondents/Arbitrators

Original Petition praying that this Hon'ble Court be pleased to set aside the award dated 20.03.2015 passed by the Second Respondent in the matter of Arbitration case Ref No.RELGARE/HL/LOT-3Sept. 14/RB:2911/75 and in matter of the Arbitration Loan Agreement No.XMORSA100043377 (Application ID No.590480).

This Original Petition coming on this day before this court for hearing through video conferencing in the presence of Mr.P.Rajendran, advocate for the petitioners herein and Mr.B.Anand Johnson, advocate for the respondents herein and upon reading the petition and the award dated 20.03.2015 filed herein and this court is of the view



that the petition to challenge an award dated 20.03.2015 is not maintainable before this court, since the parties have entered into a Facility Agreement, in which they have agreed to have the venue at Delhi to conduct arbitration and **it is ordered as follows:-**

That the O.P.No.400 of 2015 is not maintainable before this court and returned to the petitioners with a liberty to the petitioners to present the petition before the High Court of Delhi.

2. That the O.P.No.400 of 2015 is hereby returned.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 06TH DAY OF SEPTEMBER 2021.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments.



WEB COPY

VSP
01/12/2021

O.P. No.400 of 2015

ORDER

DATED : 06/09/2021

THE HON'BLE MR.JUSTICE
N.SATHISH KUMAR

FOR APPROVAL:21/01/2022

APPROVED ON:24/01/2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.09.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

O.P.No.400 of 2015

1.Solar Designs Private limited,
No.602, Parsn Manere,
1A Wing, 3rd Floor, Anna Salai,
Chennai - 600006

2.Mr.A.A.K.Apath Sakaayem

3.Sumathi C

4.Pewturman Decor Private Limited,
2 to 4 C/o. Solar Designs Private Limited,
No.602, Parsn Manere,
1A Wing, 3rd Floor, Annai Salai,
Chennai - 600006.

...Petitioners

Vs.

1.M/s.Religare Finvest Limited,
Having its Registered Office at
D-3, P3B, District Centre, Saket,
New Delhi - 110017

2.Sh.Sanjay Aggarwal,
Advocate, Sole Arbitrator,
G-12/1, Ground Floor,
Sector -15, Rohini,
New Delhi-110085



3. India Resurgence ARC Pvt. Ltd.,
3rd Floor, Unit 304, Piramal Tower,
Peninsula Corporate Park,
Lower Parel, Mumbai 400 013

...Respondents

Prayer: Original Petition is filed under Section 34 (1 and 2) of the Arbitration and Conciliation Act, 1996, to set-aside the award dated 20.03.2015 passed by the Second Respondent in the matter of Arbitration case Ref No.RELGARE/HL/LOT-3/Sept.14/RB:2911/75 and in matter of the Arbitration Loan Agreement No.XMORSA100043377 (Application ID No.590480).

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.B.Anand Johnson for R1 to R3

ORDER

(This case has been heard through video conference)

This Original Petition has been filed challenging the award dated 20.03.2015 passed by the 2nd respondent.

2. Heard the learned counsel appearing for the petitioners and the respondents 1 to 3 through video conferencing.



WEB COPY

3. Though various grounds have been raised for assailing the award, without going into the merits of the award, this Court is of the view that the petition to challenge an award dated 20.03.2015 is not maintainable before this Court, since the parties have entered into a Facility Agreement, in which they have agreed to have the venue at Delhi to conduct arbitration. Clause 10.01 of the contract governing the parties indicates that the place of arbitration is at Delhi or any other place as Arbitrator may decide. The arbitration proceedings is conducted only at Delhi.

4. In such view of the matter, the petitioners have to file a petition to challenge an award before the High Court of Delhi, since the parties have decided to conduct the arbitration proceedings at Delhi. In such view of the matter, this Original Petition is not maintainable before this Court and returned to the petitioner with a liberty to the petitioners to present the petition before the High Court of Delhi. Accordingly, this Original Petition is returned.

Sd./-N.S.K.J
06.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.