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Arb.O.P.(Com.Div.) No.164 of 2024
and
A.No.2194 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2024

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The Hon'ble Mr. Justice Krishnan Ramasamy

**Arb.O.P.(Com.Div.) No.164 of 2024
and
A.No.2194 of 2024**

M/s. Fourth Partner Energy Private Limited,
Corporate Office at 11 th Floor, Kura Towers,
Begumpet, SP Road, Pillar No. C1334,
Hyderabad -500 016 and having its Regional Office
at No.40, Ground Floor, F PCM Colony,
St. Thomas Mount, Chennai 600 016
represented by its Authorized Signatory
J. Balakrishnan

Vs.

1. M/s. Pioneer Wincon Energy Systems Private Limited,
Corporate Office at Tamarai Tech Park,
7 th floor, 16-20 A, (SP) Developed Plots,
Jawaharlal Nehru Salai,
Industrial Estate, Guindy, Chennai 600 032,
represented by its Managing Director,
M. Pradeep Shankar.
2. Para Enterprises Private Limited,
Corporate Office At Tamarai Tech Park,
7 th Floor, 16-20 A, (SP) Developed Plots,
Jawaharlal Nehru Salai,



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Industrial Estate, Guindy, Chennai 600 032,
represented by its Managing Director,
M. Pradeep Shankar.

Arbitration Original Petition filed under Section 11(4) of the Arbitration and Conciliation Act, 1996 to appoint an arbitrator for adjudicating the dispute that has arisen out of User Agreement dated 14.12.2022 between the petitioner and the respondents.

For Petitioner : Mr.P.H.Aravind Pandian
Senior Counsel
For Respondents : Mr.P.T.Sriganesh

ORDER

When the matter is taken up, Mr.P.J.Sriganesh, learned counsel for the respondents has produced a copy of judgment rendered by the Hon'ble Division Bench of this Court in O.S.A.(CAD) No.32 of 2024, dated 24.04.2024 for reference of this Court and submitted that the prayer sought for in the Original Petition itself has become infructuous, inasmuch as, both the appellants and the respondent, (who are respondents and the petitioner herein respectively) have agreed for appointment of Arbitrator.

2. However, Mr.P.H.Aravind Pandian, learned Senior counsel for the petitioner/applicant would submit that vide the aforecited judgment, the Hon'ble



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Division Bench has directed the learned Arbitrator to treat Section 9 Application as Section 17 Application and therefore, he prayed this Court to issue a direction to the learned Arbitrator to pass appropriate orders extending the interim order granted by this Court in O.A.No.7 of 2024 till the end of May, 2024.

3. Heard the submissions made by the learned counsel on either side.

4. In the view of the disposal of Original Side Appeal, viz. O.S.A.(CAD)No.32 of 2024, by the Hon'ble Division Bench, vide judgment dated 24.04.2024, whereby, Arbitrator has been appointed pursuant to a Joint Memo filed by both the parties (who are also parties herein) the present Arbitration Original Petition, viz., Arb.O.P.(Com.Div.) No.164 of 2024 has become infructuous. However, since the learned Senior Counsel for the petitioner/applicant expressed his apprehension that, the petitioner/applicant is relishing the benefit of the interim order granted in O.A.No.7 of 2024, and that Hon'ble Division Bench has directed the learned Arbitrator to treat the Section 9 Application filed by the petitioner/application as Section 17 Application and therefore, sought for a direction to the learned Arbitrator to extend the same till the matter is heard by him, and considering the fact that the learned Arbitrator has graciously consented to sit on tomorrow (i.e. 01.05.2024), this Court directs the learned Arbitrator to pass appropriate orders with regard to extension of the interim order till the end of May, 2024 or otherwise, and till 01.05.2024 the interim order already granted by this Court is extended.



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5. In the result, present Arb.O.P.(Com.Div) No.164 of 2024 is dismissed as having become infructuous and connected Application is closed.

30.04.2024

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Krishnan Ramasamy, J.,
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