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Arb.O.P.(Com. Div.) No.181 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Arb.O.P.(Com. Div.) No.181 of 2025

M/s.Shasan Infra Developers Pvt. Ltd.
Registered Office at No.189A,
West Car Street,
Tirunelveli - 627 006,
Represented by its Director.

... Petitioner

Vs.

Dr.H.Srinivasan
Vice Chairman,
Sri Venkateswara College of Technology,
Vadakal village,
Pondur Post,
Sriperumbudur - 602 105,
Kancheepuram District.
Also at:
Govindaswamy Naidu Educaitional Trust,
No.28, Ganapathy Street,
Shenoy Nagar,
Chennai - 600 030

... Respondent

PRAYER: Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 to appoint a sole arbitrator to adjudicate the dispute between the petitioner and the respondent arising out of the Power Purchase Agreement (PPA) dated 13.03.2023 and to direct the respondent to pay the cost.

For Petitioner : R. Venkatraman



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For Respondent : M. A. Lakshmipathy

ORDER

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking for appointment of an Arbitrator by this Court.

2. There seems to be a dispute between the petitioner and the respondent arising out of the Power Purchase Agreement dated 13.03.2023. There exists an arbitration clause in the Power Purchase Agreement dated 13.03.2023 which is extracted hereunder:

"Dispute Resolution through Arbitration

Dispute shall be resolved by arbitration under the provisions of the "The Arbitration and Conciliation Act 1996". In such events, any party to such Dispute may refer the matter to registrar under the Rules of the Indian Council of Arbitration.

The Arbitration Tribunal shall consist of three (3) Arbitrators. Each party shall appoint one Arbitrator within 30 Days of the receipt of request for



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settlement of dispute by Arbitration. The two appointed Arbitrators shall within 30 Days of their appointment, appoint a third Arbitrator who shall act as Presiding Arbitrator. In case the party fails to appoint an Arbitrator within 30 Days from the date of receipt of request or the two appointed Arbitrator fails to agree on third Arbitrator within 30 Days of their appointment the appointment of Arbitrator, as the case may be, shall be made in accordance with the Indian Arbitration and Conciliation Act, 1996.

The place of arbitration shall be Chennai. The language of the arbitration shall be English.

The arbitration Tribunal's award shall be substantiated in writing. The Arbitration Tribunal shall also decide on the costs of the arbitration proceedings and the allocation thereof.

The provisions of this Article shall survive the termination of this PPA for any reason whatsoever. The award shall be of majority decision. if there is no



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majority, the ward will be given by the presiding Arbitrator. "

3. The petitioner has invoked arbitration in accordance with the arbitration clause by issuing notice to the respondent on 17.12.2024 in compliance with the requirements of Section 21 of the Arbitration and Conciliation Act. No reply has been received for the same. Since there is no consensus between the parties with regard to the name of the Arbitrator, the petitioner has filed this petition seeking for appointment of an Arbitrator by this Court.

4. The learned counsel for the respondent, on instructions, would submit that the respondent has no objection for the appointment of an arbitrator by this Court to adjudicate the dispute between the parties. Both the counsels on instructions would submit that the parties are willing to go for arbitration by a sole arbitrator to be appointed by this Court. Since there exists an arbitration clause in the contract, which is the subject matter of dispute between the parties and since the petitioner has complied with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996, by



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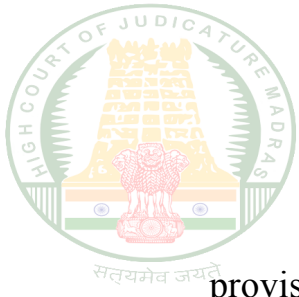
issuing notice to the respondent and since there is no consensus between the parties with regard to the name of the arbitrator, this Court has to necessarily appoint an arbitrator as prayed for in this petition.

5. Accordingly, this Arbitration Original Petition is allowed as prayed for by issuing the following directions:

(a) Ms.Poongkhulali Balasubramaniam, Advocate, who is having office at No.M-1, Vadhula, No.18, Brindavan Street, Mylapore, Chennai - 600 004 (Mobile No.91765 68368) is appointed as the sole Arbitrator to decide the dispute between the petitioner and the respondent arising out of the Power Purchase Agreement (PPA) dated 13.03.2023;

(b) The Arbitrator shall be paid her remuneration / fees in accordance with the 4th schedule of the Arbitration and Conciliation Act, 1996 or as per the mutual consent of both the parties;

(c) Both the parties shall equally share the arbitrator's fees;



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(d) The Arbitrator shall conduct the arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and shall complete the arbitration within the specified time as prescribed under the said Act.

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Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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