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Arb O.P(COM.DIV.) NO. 484 of 2023
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

Arb O.P(COM.DIV.) NO. 484 of 2023

M.Sivakumar
S/o.Mr.VK.Muthu Raja, No.4/47, First Street,
Ganesapuram, Krishnasamudram, Kailasapuram,
Tiruchirappalli-620 014.

Appellant(s)

Vs

Sindaram Finance Limited
No.21, Patullos Road, Chennai-600 002.

Respondent(s)

For Appellant(s): Ms.Nagalakshmi,
for Mr.M.Muthukannan

For Respondent(s): M.Arunachalam

ORDER

This petition has been filed under Section 34 of the Arbitration and Conciliation Act challenging the impugned arbitral award dated 02.09.2022 passed by the sole Arbitrator in favour of the respondent against the petitioner. The petitioner has challenged the impugned arbitral award primarily on the ground that the respondent had appointed an Arbitrator unilaterally without the consent of the petitioner. The impugned arbitral award is an exparte arbitral award.

2. Admittedly, the Arbitrator was appointed by the respondent unilaterally.

The law is now well settled by the decision of the Hon'ble Supreme Court in



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Perkins Eastman Architects DPC and another vs. HSCC (India) Limited

reported in ***(2020) 20 SCC 76*** that the arbitral award passed by an Arbitrator appointed unilaterally by one of the parties to the dispute amounts to patent illegality.

3. This Court perused the impugned arbitral award. As seen from the same, the Arbitrator has been appointed by the respondent unilaterally without the consent of the petitioner. Since the impugned arbitral award is passed by the Arbitrator appointed unilaterally by the respondent and being an *ex parte* arbitral award, necessarily, the impugned arbitral award has to be set aside by this Court as the same is patently illegal in view of the decision rendered by the Hon'ble Supreme Court in ***Perkins Eastman Architects DPC and another vs. HSCC (India) Limited*** reported in ***(2020) 20 SCC 76***. Accordingly, the impugned arbitral award dated 02.09.2022 is hereby set aside and this Petition is allowed. However, liberty is granted to the respondent to initiate fresh arbitration against the petitioner in accordance with law.

24.02.2025

vsi

To



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1. Sindaram Finance Limited
NO.21, Patullos Road,
Chennai-600 002.



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ABDUL QUDDHOSE,J.

vsi

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