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Arb.O.P.(Com. Div.) No.188 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

CORAM

**THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE**

**Arb.O.P.(Com. Div.) No.188 of 2025  
and  
A.No.1848 of 2025**

K.Anish

... Petitioner

Vs.

Axis Bank Ltd.,  
Represented by its Manager,  
No.31 (Old No.14),  
Second Floor, South Mada Street,  
Mylapore, Chennai – 600 004.

... Respondent

**PRAYER:** Petition filed under Section 34(2) of the Arbitration and Conciliation Act, 1996, pleased to

(i) set aside the Arbitral Award dated 30.10.2023 bearing Arbitration Case No.2065/2021 passed by the learned Sole Arbitrator (Shri.P.Ganesan) in its entirety

(ii) direct the respondent to pay the costs and

(iii) grant such further reliefs as this Court may deem fit under the circumstances of the case and thus render justice.



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For Petitioner : Mr.Gokulakrishnan  
For Respondent : Mr.M.R.Uma Vijayan  
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### **ORDER**

This petition has been filed under Section 34 of the Arbitration and Conciliation Act, 1996, challenging the impugned Arbitral Award dated 30.10.2023.

2. Apart from various other grounds, the primary ground for challenge is that the Arbitrator, who has passed the impugned arbitral award, was appointed unilaterally by the respondent without obtaining the consent of the petitioner.

3. The learned counsel for the respondent fairly submits that the impugned arbitral award was passed by an arbitrator who was appointed unilaterally by the respondent without obtaining the consent of the petitioner.

4. This Court has also perused and examined the impugned arbitral



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award. As seen from the same, it is clear that the arbitrator, who has passed the impugned arbitral award, was appointed unilaterally by the respondent.

The law is now well settled by the decision rendered by the Hon'ble Supreme Court in the case of *Perkins Eastman Architects Dpc & Anr. v. HSCC (India) Ltd.* reported in **2020 (20) SCC 760** that unilateral appointment of an arbitrator by a party to the dispute without obtaining the consent of the other is impermissible in law. Admittedly, the impugned arbitral award has been passed by an arbitrator, who was appointed unilaterally by the respondent without obtaining the consent of the petitioner. In view of the same, in accordance with the settled law, the impugned arbitral award dated 30.10.2023 has to be necessarily set aside by this Court.

5. Accordingly, the impugned arbitral award dated 30.10.2023 is set aside by this Court and this Arbitration Original Petition is allowed. However, the respondent is granted liberty to initiate fresh arbitration against the petitioner in accordance with law. The time spent by both the parties before the arbitrator, who has passed the impugned arbitral award as well as before this Court in this petition filed under Section 34 of the Arbitration



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and Conciliation Act, 1996, shall stand excluded for the purpose of saving  
limitation under Section 14 of the Limitation Act. No costs. Consequently,  
the connected application is closed.

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Index : Yes/No  
Speaking Order : Yes / No  
Neutral Citation Case: Yes / No  
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**ABDUL QUDDHOSE. J.**

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