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Arbitration Original Petition (Com.Div.) No.572 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Original Petition (Com.Div.) No.572 of 2025

FIVE STAR BUSINESS FINANCE LIMITED

represented by its Legal Officer

Mr.Madhu Sandan Someswaran

Registered Office at New No.27,

Old No.4, Taylor's Road, Kilpauk,

Chennai - 600 010.

.... Petitioner

Vs.

1.Kotturu Naresh

2.Kotturu Naveena

.... Respondents

Arbitration Original Petition (Com.Div.) filed under Section 11(5) of the Arbitration and Conciliation Act, 1996, praying to appoint an Arbitrator to decide the disputes and differences between the petitioner and respondents in terms of Loan Agreement dated 23.03.2021.

For Petitioner : Mr.S.Nataraj
for Mr.P.H.Vinodh Pandian

For Respondents : No appearance



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ORDER

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 [for brevity 'the Act'] for appointment of an Arbitrator to decide the dispute and differences between the petitioner and the respondents in terms of the Loan Agreement dated 23.03.2021.

2. When the matter came up for hearing on 18.09.2025, this Court passed the following order:

“The parties are governed by a loan agreement dated 23.03.2021 which provides for referring the disputes to the Arbitrator in Article 10 of the agreement. The trigger notice dated 12.02.2025 under Section 21 of the Arbitration and Conciliation Act, 1996 was issued to the respondents.

2. Notice to the respondents returnable by 22.10.2025. Private notice is also permitted.

Post on 22.10.2025.”

3. When the matter came up for hearing on 22.10.2025, this Court passed the following order:

“Private notice sent to the respondents has been returned. Hence, there shall be a direction to learned counsel for petitioner to effect notice to the respondents through paper publication in a widely published newspaper at Telangana. The paper publication shall be effected on or before 03.11.2025 and notice shall be returnable by 17.11.2025.

Post on 17.11.2025.”



4. Notice sent to the respondents was returned and hence, this Court, by order dated 22.10.2025, directed learned counsel for petitioner to effect service on respondents through paper publication. Accordingly, paper publication has been effected and affidavit of service has been filed and the names of respondents have also been printed in the cause list. There is no appearance either in person or through counsel. This Court finds that there is a valid agreement between the parties in line with Section 7 of the Act. The agreement also provides for arbitration clause in Article 10 of the Loan Agreement.

5. In view of the above, this Court is inclined to proceed further and appoint Sole Arbitrator and refer the dispute between the petitioner and the respondent to the Sole Arbitrator, which will be dealt with on its own merits and in accordance with law.

6. In the light of the above discussion, this Court appoints Mr.Naveen Kumar Murthi, Advocate, S2, 2nd Floor, Singapore Plaza, No.164/337, Linghi Chetty Street, Chennai – 600 001. [Mobile No.98847 40424], as the sole Arbitrator and the sole Arbitrator is requested to adjudicate the arbitral disputes that had arisen between the parties and render arbitral award by holding sittings in the 'Madras High Court



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N.ANAND VENKATESH, J.

gm

Arbitration Centre under the aegis of this Court' (MHCAC) as per Madras High Court Arbitration Proceedings Rules 2017 and fee of Sole Arbitrator shall be in accordance with the Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrator's Fees) Rules 2017.

Accordingly, this petition is disposed of.

08.12.2025

Index:yes/no
Speaking order/Non-speaking order
NCC:yes/no
gm

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