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Arb.O.P.(Com. Div.) No.301 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2025

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Arb.O.P.(Com. Div.) No.301 of 2025
and
A.No.2734 of 2025

1.P.Sivakumar
2.Shunmuga Devi S

... Petitioners

Vs.

1.Hinduja Leyland Finance Limited,
Represented by its Authorised Signatory,
No.27A, Developed Industrial Estate, Guindy,
Chennai – 600 032.

2.A.Celine,
Sole Arbitrator

... Respondents

Prayer: Petition filed under Section 14(2) of the Arbitration and Conciliation Act, 1996, pleaded to terminate the mandate of the 2nd respondent in Arbitration Case No.ACP.427 of 2024 as being void *ab initio*.

For Petitioners : Mr.Kishore Balasubramanian

For Respondents : Mr.A.Rajavel [R1]



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ORDER

The petition in Arb.O.P.(Com.Div.)No.301 of 2025 has been filed under Section 14(2) of the Arbitration and Conciliation Act, 1996, seeking to terminate the mandate of the arbitrator on the ground that the Arbitrator has been appointed unilaterally by the 1st respondent without obtaining the consent of the petitioners.

2. Till date, the counter has not been filed by the 1st respondent. It is also brought to the notice of this Court by the learned counsel for the 1st respondent that an arbitral award has already been passed in favour of the 1st respondent against the petitioners and therefore, this petition is not maintainable. He would submit that in case, the petitioners are aggrieved by the passing of the arbitral award, the petitioners will have to challenge the same under Section 34 of the Arbitration and Conciliation Act, 1996. The learned counsel for the 1st respondent has represented before this Court that the arbitral award was passed against the petitioners in favour of the 1st respondent on 21.01.2025. The said statement made by the learned counsel



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for the 1st respondent on instructions, is recorded by this Court. Since the arbitral award has already been passed, necessarily the petitioners, if aggrieved by the unilateral appointment of the Arbitrator, have to challenge the arbitral award under Section 34 of the Arbitration and Conciliation Act, 1996.

3. The learned counsel for the petitioners on instructions submits that only today through the submission made by the learned counsel for the 1st respondent, the petitioners are made aware of the fact that an arbitral award has already been passed against them in favour of the 1st respondent.

4. In view of the fact that an arbitral award has already been passed against the petitioners in favour of the 1st respondent, which is the subject matter of the dispute between the parties involved in this petition, necessarily the petitioners will have to challenge the said arbitral award under Section 34 of the Arbitration and Conciliation Act, 1996. Since the petitioners claim that they have not received the arbitral award and they also



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claim that they came to know about the arbitral award only today, the respondents are directed to serve a copy of the arbitral award dated 21.01.2025 to the petitioners within a period of one (1) week from the date of receipt of a copy of this order.

5. Accordingly, this Arbitration Original Petition is disposed of by granting liberty to the petitioners to challenge the arbitral award dated 21.01.2025 under Section 34 of the Arbitration and Conciliation Act, 1966 before the appropriate Court. No costs. In view of the same, the connected application in A.No.2734 of 2025 is closed.

05.08.2025

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

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