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Arb O.P(COM.DIV.) No. 397 of
2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb O.P(COM.DIV.) No. 397 of 2025

M/s. Kamalaveni Petroleum Agency,
Represented by its Proprietor
Mr.P.Prabakaran (CMS 56142XA142),
Vilakethi Village, Modakurichi Taluk,
Erode District.

..Petitioner

Vs

1. M/s.Nayara Energy Limited,
Office No.3,5th Floor, Mayflower
Valencia, No.336/2,Avinashi
Road,Nava India, Coimbatore-641004.

2.M/s. Nayara Energy Limited,
Formerly Essar Oil Limited, 2nd
Floor,Sheerosh Madhav Building, Old
No.73/2, New No. 58/2, New Avadi
Road, Kilpauk, Chennai- 600010.

Respondent(s)



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Petition filed under Section 11(5) of the Arbitration and Conciliation Act, 1996.

a.To Appoint an arbitrator tribunal in accordance with the provisions of the Arbitration and Conciliation Act,1996 to adjudicate upon the disputes/differences between the Petitioner and the Respondents under the Franchise Agreement.

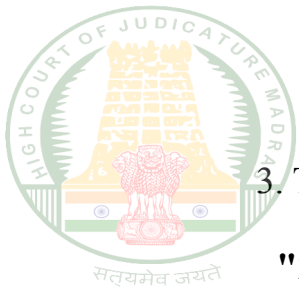
b. Direct the Respondents to pay the costs of this proceeding;

For Appellant(s): P.Dinesh Kumar

ORDER

This petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996, for appointment of an Arbitrator to adjudicate the disputes/differences between the petitioner and the respondents under the Franchise Agreement.

2.The respondents have been served with notice and the affidavit of service has also been filed.



3. The Arbitration Clause is extracted hereunder:

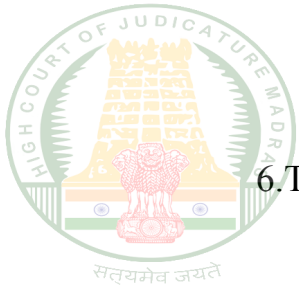
"2.29 Arbitration

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All disputes and/or claims arising out of or relating to this arrangement or any breach or alleged breach of any of the covenants thereof or as to the interpretation of any clause /provision of this arrangement shall be referred to a Sole Arbitrator to be appointed by the Company and the proceedings shall be governed by the provisions of the Arbitration and Conciliation Act, 1996 or any statutory modification or reenactment thereof, from time to time in force. The Seat of such arbitration shall be at Mumbai and the language of the proceedings shall be English"

4.It is clear from the above that the seat of arbitration is at Mumbai and the parties have agreed that the jurisdictional Court will also be in Mumbai. In such an event, there is no question of maintaining Section 11 petition before this Court and it can be filed only before the High Court at Mumbai.

5.In view of the above, this petition is dismissed by giving liberty to the petitioner to approach the Mumbai High Court, by way of filing an appropriation petition.



6. This petition is accordingly dismissed. No costs.

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22-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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N.ANAND VENKATESH J.

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