



Application No.4282 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Application No.4282 of 2025

in

Arb O.P(Com.Div.) No.525 of 2025

Chennai Network Infrastructure Limited [CNIL]

Presently called:

M/s.GTL Infrastructure Limited,
City Centre, No.232, Old No.186,
3rd Floor, Purasawakkam High Road,
Kilpauk, Chennai - 600 010.

.... Applicant

Vs.

1.Senthiappan
S/o.V.Sankara Lingam

2.Nageswari
D/o.Senthiappan

3.S.Karthik Shankar
S/o.Senthiappan

.... Respondents

PRAYER

To stay all further proceedings pursuant to the Arbitral Award dated 27.02.2025 passed in Arbitration case No.7 of 2023 by the Arbitral Tribunal, Mr.A.J.Jawad, Sole Arbitrator, pertaining to the disputes between the petitioner and the respondents.



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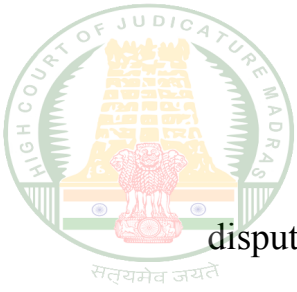
For Applicant : Mr.C.Sakthimanikandan

ORDER

This application has been filed under Section 34 of the Arbitration and Conciliation Act, 1996 [hereinafter referred to as 'the Act'] challenging the award dated 27.02.2025 passed by the Arbitral Tribunal.

2. This Court carefully heard learned counsel for the applicant and also perused the materials available on record.

3. The respondents entered into a lease agreement dated 10.10.2006 with M/s.Aircel Cellular Limited with respect to open terrace for the purpose of erecting cellular mobile transmitting equipment, antenna and other electronic trans-receiving equipment and diesel electric power generator on a monthly rent. The respondents were informed by the applicant that infrastructure business of Aircel Cellular Limited was acquired by the applicant. Pursuant to the same, a license agreement dated 11.11.2015 was entered into between the applicant and the respondents. It is stated that the applicant started committing default in payment of rent. This gave rise to a dispute between the parties and the



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dispute was referred to the Arbitral Tribunal.

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4. The Arbitral Tribunal, on considering the claims raised by both sides, passed an award directing the applicant to pay the arrears of rent of Rs.10,58,500/- along with interest at 8% p.a. from the date claim petition till the date of realization of the amount.

5. The applicant, aggrieved by the above award, has filed the present application under Section 34 of the Act mainly on the ground that the claimants were relying upon the lease dated 10.10.2006, which even according to the license agreement, form part of the license agreement and this lease deed was insufficiently stamped. This issue was not properly considered by the Arbitrator.

6. On carefully going through the award, it is seen that the learned Arbitrator has dealt with this issue at paragraph Nos.7.7 and 7.8 of the Award.

7. This Court does not find any patent illegality in the above



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findings of the Arbitrator warranting interference of this Court. Insofar as the test of patent illegality is concerned, it will be relevant to take note of the judgment of the Apex Court in ***OPG Power Generation Private Limited v. Enxio Power Cooling Solutions India Private Limited and another [2025 (2) SCC 417]***. Paragraph No.73 of the said judgment is extracted hereunder:

"73. In a recent three-Judge Bench decision of this Court in DMRC Ltd. v. Delhi Airport Metro Express (P) Ltd. [(2024) 6 SCC 357], the ground of patent illegality/perversity was delineated in the following terms:

"39. In essence, the ground of patent illegality is available for setting aside a domestic award, if the decision of the arbitrator is found to be perverse, or so irrational that no reasonable person would have arrived at it; or the construction of the contract is such that no fair or reasonable person would take; or, that the view of the arbitrator is not even a possible view. A finding based on no evidence at all or an award which ignores vital evidence in arriving at its decision would be perverse and liable to be set aside under the head of "patent illegality". An award without reasons would suffer from patent illegality. The arbitrator commits a patent illegality by deciding a matter not within its jurisdiction or violating a fundamental principle of natural justice.""

8. This Court finds that none of the above requirement has been satisfied in this case. This Court does not find any ground to interfere with the award passed by the Tribunal.

Accordingly, this application stands dismissed.



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Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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N.ANAND VENKATESH, J.

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