



Arbitration Original Petition No.80 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Original Petition No.80 of 2025

and

Application No.4851 of 2025

1.Indurani

W/o.S.Ananth

2.S.Ananth

S/o.V.Selvam

... Petitioners

Vs.

M/s.Five Star Business Finance Limited,
represented by its Manager – Legal G.S.Robert,
Having office at New No.27, Old No.4,
Taylors Road, Kilpauk,
Chennai – 600 010.
Having branch office at
No.635/A, 2nd Floor, Nehruji Road,
Periyakulam Main Road,
Near Railway Gate, Theni,
Theni District, Tamil Nadu – 625 531.

... Respondent

Arbitration Original Petition filed under Section 34 of the



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Arbitration and Conciliation Act, 1996, praying to set aside the Arbitral Award dated 29.09.2023 bearing No.170 of 2022 passed by the Sole Arbitrator.

For Petitioners : Mr.K.V.Shanmuganathan

For Respondent : Mr.H.Mohamed Ismail

ORDER

This petition has been filed under Section 34 of the Arbitration and Conciliation Act, 1996 [for brevity 'the Act'] against the award passed by the Sole Arbitrator dated 29.09.2023.

2. When the petition came up for hearing on 06.10.2025, this

Court passed the following order:

“The main ground that was urged by the learned counsel for the Applicant is that there was unilateral appointment of an arbitrator by the respondent finance company and the petitioner never gave the consent for the appointment of arbitrator and hence, the learned counsel relied upon the judgement of the Apex Court in **[Central Organisation for Railway Electrification Vs. ECI SPIC SMP MCML (JV)]** reported in **2025 4 SCC 641** and contended that the award is *non est* in the eye of law.

2. A *prima facie* case has been made out and hence, there



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shall be an order of interim stay till 06.11.2025. The learned counsel for the petitioner is directed to take notice to the respondent returnable by 06.11.2025.

3. Post this case for hearing on 06.11.2025 under the caption for orders.”

3. Heard learned counsel for petitioners and learned counsel for respondent and carefully perused the materials available on record.

4. In the considered view of this Court, the award passed by the Sole Arbitrator, who was unilaterally appointed by the respondent is non-est in the eye of law in the light of the judgment of the Apex Court in ***Perkins Eastman Architects DPC v. HSCC (India) Ltd. [(2020) 20 SCC 760]***. In view of the same, it is not necessary for this Court to go into the merits of the case.

5. In the result, the award passed by the Sole Arbitrator dated 29.09.2023 is hereby set aside. It is left open to the respondent to take steps for appointment of an Arbitrator by filing a petition under



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Section 11 of the Act and work out the remedy.

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This petition is allowed in the above terms. Consequently,
connected miscellaneous petition is closed.

26.11.2025

gm

N.ANAND VENKATESH, J.

gm



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