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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-10-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb O.P(COM.DIV.) No. 495 of 2025

AND

ARB O.P(COM.DIV.) NO. 575 OF 2025

Arb O.P(COM.DIV.) No. 495 of 2025

Chennai Metropolitan Water Supply and Sewerage Board,
Represented by its Managing Director,
Having Office at.
No.1, Pumping Station Road,
Chintadripet, Chennai- 600 002.

Petitioner(s)

Vs

M/s.Chennai Water Desalination Limited,
Rep by its Authorised Signatory,
Mr.Denny C.Kurissingal,
Having Office at.
"MIHIR", B-2, 350/A/24/1-B and 2,
Road No.2.Panchavati Colony,
Banjara Hills,
Hyderabad-500034,Telangana State.

Respondent(s)



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PRAYER Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, praying to appoint an Arbitrator to resolve the dispute between the petitioner and respondent as per clause 17.3 of the Bulk Water Purchase Agreement dated 13.09.2005.

For Petitioner(s): Mr.Gautham S.Raman

For Respondent(s): Ms.Hema Srinivasan

Arb O.P(COM.DIV.) No. 575 of 2025

M/s.Chennai Water Desalination Limited,
Rep by its Authorised Signatory,
Mr.Denny C.Kurissingal,
Former Address:No.9, Plot No.16,
Manojlal First Main Road,
Kalaimagal Nagar,
Eddaduthangal
Chennai 600 032.

Now at:

"MIHIR", B-2, 350/A/24/1-B and 2,
Road No.2.Panchavati Colony,
Banjara Hills,
Hyderabad-500034,Telangana State.

Petitioner(s)

Vs



Chennai Metropolitan Water Supply and Sewerage Board,
Represented by its Managing Director,
Having Office at.
No.1, Pumping Station Road,
Chintadripet, Chennai- 600 002.

Respondent(s)

PRAYER Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, praying i) to appoint the Petitioner's nominee Honble Mr.Justice K.Govindarajan (Retired Judge) as per the notice dated 30.06.2025 as sole arbitrator or to constitute a Three-Member Arbitral Tribunal to resolve the disputes between the parties under the Bulk Water Purchase Agreement dated 13.09.2005.

For Petitioner(s): Ms.Hema Srinivasan

For Respondent(s): Mr.Gautham S.Raman

ORDER

These petitions have been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for the sake of brevity, hereinafter referred to as 'the Act') seeking for the appointment of an Arbitrator by this Court.



2. When Arb.O.P.(Com.Div.)No.495 of 2025 came up for hearing on

25.08.2025, this Court passed the following order:

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, seeking for the appointment of an arbitrator by this Court.

2. There seems to be a dispute between the petitioner and the respondent, arising out of the Bulk Water Purchase Agreement dated 13.09.2005. There exists an arbitration clause in the Bulk Water Purchase Agreement dated 13.09.2005 and the same is reproduced hereunder: “

17.3. Arbitration

i. The Dispute shall be submitted to arbitration at the request of either Party upon written notice to that effect to the other Party (a “Notice of Reference”) and be finally determined in accordance with the provisions of the UNCITRAL Rules of International Arbitration (“Rules”) subject to the Arbitration and



Conciliation Act, 1996 and any statutory modification thereto from time to time.

ii. The place of arbitration shall be Chennai in the state of Tamil Nadu, India and the Arbitration will be governed by the provisions of Indian Laws and the Arbitration and Conciliation Act, 1996.

iii. The decision of the arbitrator(s) shall be final and binding on the Parties.

iv. The arbitrator(s) shall reasonably decide the proportion in which arbitration fees and costs are to be shared by the Parties.

v. The arbitrator(s) may, with the consent of the Parties, extend the time taken to make and publish the award.

Notwithstanding the existence of any disputes referred to arbitration, the Parties shall continue to perform their respective obligations under this Agreement and the parties shall not withhold, for any reason whatsoever including pendency of arbitration proceeding, payment of any amount which has become due under this Agreement.”



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3. *The petitioner has invoked arbitration in accordance with the arbitration clause by issuing notice to the respondent on 25.06.2025 through the petitioner's counsel to comply with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996. The respondent has also sent a reply on 11.07.2025 through the respondent's counsel.*

4. *Since there is no consensus between the parties with regard to the name of the arbitrator and the number of arbitrators, who shall constitute the arbitral panel, the petitioner is constrained to file this petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeking for the appointment of an arbitrator by this Court.*

5. *Ms.Hema Srinivasan, learned counsel, appeared through video conferencing, undertakes to file Vakalat on behalf of the respondent. She seeks time to file a counter in this matter.*

6. *The learned counsel for the petitioner is directed to serve copies of papers on the learned counsel for the respondent forthwith.*



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7. Registry is directed to print the name of Ms.Hema Srinivasan as counsel for the respondent in the cause list and post the matter 'for counter and disposal' on 12.09.2025.

3.Even when the above order was passed, Ms.Hema Srinivasan, learned counsel undertook to file vakalat on behalf of the respondent.

4.The respondent in Arb.O.P.(Com.Div.)No.495 of 2025 has filed Arb.O.P.(Com.Div.)No.575 of 2025 to appoint the petitioner's nominee as the Arbitrator or to constitute a Three Member Arbitral Tribunal to resolve the dispute between the parties arising out Bulk Water Purchase Agreement dated 13.09.2005. The learned counsel for the petitioner in Arb.O.P.(Com.Div.)No.495 of 2025 submitted that the arbitration clause does not contemplate constituting a Three Member Arbitral Tribunal and hence, a sole Arbitrator can be appointed.

5.The learned counsel for the petitioner in Arb.O.P.(Com.Div.)No.575 of 2025 submitted that considering the huge claim that is involved in the present



case, it will be more appropriate if a Three Member Arbitral Tribunal is appointed to resolve the dispute.

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6.This Court on considering the submissions made on either side and the materials available on record, suggested that this Court is inclined to appoint a retired Judge of this Court as a sole Arbitrator and to refer the dispute. The counsel appearing on either side consented for the same.

7.In view of the above, this Court is inclined to to appoint a sole Arbitrator. **Hon'ble Mr.Justice K.R.Shriram (Retd), a former Hon'ble Chief Justice of Madras High Court and Rajasthan High Court, with address for service at 1515, 15th Floor, Maker Chambers V, Nariman Point, Mumbai 400 021 Mobile: 9869039909, 022-31765038 (email: krshriramcj@gmail.com)** is appointed as sole Arbitrator. The sole Arbitrator is requested to enter upon reference, adjudicate upon arbitrable disputes that have arisen between the parties. The Arbitrator shall holds holding sittings in the



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

14. These petitions are disposed of in the above terms. No Costs.

13-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



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To

1.Hon'ble Mr.Justice K.R.Shriram (Retd),
Former Hon'ble Chief Justice of Madras High Court and Rajasthan High Court,
No.1515, 15th Floor, Maker Chambers V,
Nariman Point, Mumbai 400 021
Mobile: 9869039909,
022-31765038
(email: krshriramcj@gmail.com)

2.The Director
Tamil Nadu Mediation and Conciliation
Centre-cum-Ex-Officio Member
Madras High Court Arbitration Centre
Chennai - 104.

3.The Managing Director
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road, Chintadripet, Chennai- 600 002.

4.Mr.Denny C.Kurissingal,
Authorised Signatory,
M/s.Chennai Water Desalination Limited,
"MIHIR", B-2, 350/A/24/1-B and 2, Road No.2.Panchavati Colony,
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11/11

Arb O.P(COM.DIV.) Nos. 495 & 575 of 2025

N.ANAND VENKATESH J.

SSR

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