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Arb O.P(COM.DIV.) No. 5
of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-11-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb O.P(COM.DIV.) No. 528 of 2025

1. M/s.Cheran Holdings Private Limited

Rep.by its Managing Director,

Mr.K.C.Palanisamy,

No.7, College Land, Happy Nook,

Nungambakkam, Chennai 600 006

currently at 78, Cheran Towers,

Government Arts College Road,

Coimbatore 641018

2. M/s K.C.P.Associates Holdings Private

Limited rep.by its Director

Mr.K.C.Palanisamy

No.7, College Land, Happy Nook,

Nungambakkam, Chennai 600006

Currently at 78, Cheran Towers,

Government Arts College Road,

Coimbatore-641018

Petitioner(s)

Vs

1. Siddhartha Ray



W-38, Greater Kailash II
New Delhi 110048

2.SPA Enterprises Private Limited
Block E, 3rd Floor,
International Trade Tower,
Nehru Place, New Delhi- 110019

3. Starcon (India) Limited
Block E, 3rd Floor,
International Trade Tower,
Nehru Place, New Delhi- 110019

Respondent(s)

PRAYER

To appoint the arbitral Tribunal to arbitrate the disputes between the petitioners and Respondents

For Petitioner(s): Mr.P.V.Balasubramaniam
Senior Counsel for
Mr.Vadiraj Anirudh S.G.

For Respondent(s): No appearance

ORDER

This original petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint the Arbitral Tribunal to adjudicate the disputes between the petitioners and the respondents.

2. When this petition came up for hearing on 01.09.2025, this Court



passed the following order:-

“In the case in hand, the Arbitral Tribunal was constituted and the proceedings also commenced. However, the Arbitrators recused themselves and from the year 2015 onwards, the dispute is in limbo. It is under these circumstances, the present application has been filed seeking for appointment of an Arbitral Tribunal in accordance with clause 24.3 of the Share Holders agreement to arbitrate the share dispute between the petitioners and the respondents.

2. There is no dispute with regard to the seat of Arbitration. Apart from that, the limitation cannot be put against the applicant since it has already been initiated. That apart, there is a valid agreement between the parties. The only issue to be considered in the present case is as to how the Court must deal with the delay of ten years from the year 2015 till date.

3. Notice to the respondents returnable by 22.09.2025. Private notice is also permitted.

4. Post this case under the caption for orders on 22.09.2025. ”

3. Pursuant to the above order, private notice that was sent to the respondents came to be returned with an endorsement “no such person”. Therefore, this Court directed the learned counsel for petitioners to effect substituted service on the respondents and accordingly, substituted service has been taken on the respondents and affidavit of service has also been filed. Even though the names of the respondents are printed in the cause list, there is no appearance either in person or through counsel.



4. The arbitration proceedings came to an abrupt end in the year 2015 and thereafter, the arbitral tribunal was not able to take up any further proceedings.

When this Court enquired the learned Senior Counsel appearing on behalf of the petitioners as to whether there must be a substitution, the learned Senior Counsel submitted that the proceedings have not terminated as such and only a fresh Arbitrator has to be nominated insofar as the respondents are concerned, since the petitioners have already nominated an Arbitrator. If this Court nominates an Arbitrator for the respondents, both the Arbitrators will nominate the Presiding Arbitrator.

5. In the light of the above submission, this Court is inclined to nominate Hon'ble Mr.Justice N.Authinathan, a former Judge of this Court, having address for service at No.37, A-Block, Lakshmi Nivas, Marshalls Road, Egmore, Chennai 600 008 as the Arbitrator for the respondents. The Arbitrator nominated by the petitioners and the Arbitrator nominated by this Court for the respondents shall appoint the Presiding Arbitrator to adjudicate the disputes that have arisen between the parties in accordance with law.

6. This original petition is disposed of in the above terms. There shall be no order as to costs.

13-11-2025

Index:Yes/No



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Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

SS

To

1. The Hon'ble Mr.Justice N.Authinathan
No.37, A-Block,
Lakshmi Nivas,
Marshalls Road,
Egmore, Chennai 600 008

Arb O.P(COM.DIV.) No. 5
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N.ANAND
VENKATESH J.

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