



WEB COPY

WP No. 33417 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 33417 of 2023

AND WMP NO. 33146 & 33148 of 2023, 18247 & 18248 OF 2024

Wonder Star Trading LLC,
Rep. By Its Authorized Signatory 2904,
29th Floor, Burj Al Salam, Sheikh
Zayed Road, Po Box 43947,
Dubai-43947, United Arab Emirates.

Petitioner(s)

Vs

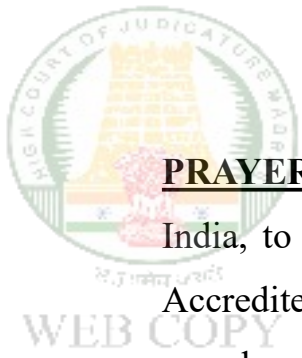
1. Nlc Tamil Nadu Power Limited,
Rep. By Its Chairman,
No.135, EVR Periyar High Road,
Kilpauk, Chennai-600 010.

2.The Chief Executive Officer,
NLC Tamil Nadu Power Limited,
2 500 JV Thermal Power Project,
Harbour Estate, Tuticorin-628 004.

3.The General Manager
Contracts And Purchase,
Office Of The Chief Executive Officer
NLC Tamil Nadu Power Limited,
Harbour Estate, Tuticorin-628 004.

4.The Deputy General Manager (coal)
Office Of The Chief Executive Officer,
Nlc Tamil Nadu Power Limited,
Harbour Estate, Tuticorin-628 004.

Respondent(s)



PRAYER; This writ petition has been filed under Article 226 of Constitution of India, to issue a writ of Mandamus, direct the 1st respondent to nominate an Accredited Independent Investigating Agency for Testing and Analysis of the samples collected by the respondents at the discharge port.

For Petitioner(s): Mr.Abdul Saleem, Sr.C
for Mr.G.Baskar
For Respondent(s): Mr. N.Nithianandam

ORDER

The writ petition has been filed seeking a direction to the 1st respondent to nominate an Accredited Independent Investigating Agency for Testing and Analysis of the samples collected by the respondents at the discharge port.

2. When the matter is taken up for hearing, the learned counsel appearing for both sides submitted that this Court may relegate the parties to Arbitration by appointing an Arbitrator, so that the issues between the petitioner and the respondents could be arbitrated by the learned Arbitrator. For such a course, learned senior counsel appearing for the petitioner also did not have any objection and he fairly conceded to the appointment of an Arbitrator.

3. Heard both sides and perused the materials available on record.

4. Both the counsel is agreed to appoint an Arbitrator under clause 32.3(b) of the tender agreement for resolving the dispute arose between them issued. In



view of the fact that the tender Agreement itself provides for Arbitration, this Court without entering into intricacies of the issue, deems it fit to appoint an Arbitrator to conduct Arbitration between the petitioner and the respondents to settle the issue amicably.

5. In view of the fair stand taken by the learned counsel on either side, this Court passes the following order :-

i) Hon'ble Mr. Justice D.Krishnakumar, Judge (Retd.) is appointed as the Arbitrator to arbitrate the issue between the petitioner and the respondents.

ii) The Learned Arbitrator shall decide upon the composition of the Committee so as to involve the representatives of the petitioner and the respondents.

iii) The petitioner is directed to identify an office space at Chennai, to enable the conduct of Arbitration, which would be the seat of Arbitration as per clause 32(iii)(b) of the Agreement

iv) Arbitration shall be held at Chennai at the convenience of the Arbitrator.

v) The learned Judge/Arbitrator shall fix his remuneration and also his boarding and lodging expenses in consultation with the petitioner and the respondents.

vi) The Committee shall start functioning from first week of May 2026 and all efforts shall be made to complete the entire process, as expeditiously as possible.



And

vii) As and when any clarification is required, a memo shall be moved before this Court for obtaining appropriate orders.

15. With the above directions and observations, the writ petition is disposed of. Consequently, connected miscellaneous petitions are also closed.
No costs.

31-10-2025

Rli

Note: Issue order copy on 08.04.2026

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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