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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ ARB.P. 601/2025 & I.A. 9020/2025

JPFL FILMS PRIVATE LIMITED .....Petitioner

Through: Mr. Sandeep Sethi, Senior Advocate with Mr. Prateek Kumar and Mr. Hardik Malik, Advocates.

versus

AVAADA ENERGY PRIVATE LIMITED & ANR.

.....Respondents

Through: Mr. Rajshekhar Rao, Senior Advocate with Mr. Manmeet Singh, Mr. Anugrah Robin, Mr. Alok Shankar and Ms. Anjali Dwivedi, Advocates.

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\+ ARB.P. 603/2025 & I.A. 9023/2025

JPFL FILMS PRIVATE LIMITED .....Petitioner

Through: Mr. Sandeep Sethi, Senior Advocate with Mr. Prateek Kumar and Mr. Hardik Malik, Advocates.

versus

AVAADA ENERGY PRIVATE LIMITED & ANR.

.....Respondents

Through: Mr. Rajshekhar Rao, Senior Advocate with Mr. Manmeet Singh, Mr. Anugrah Robin, Mr. Alok Shankar and Ms. Anjali Dwivedi, Advocates.

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\+ ARB.P. 604/2025 & I.A. 9025/2025

JPFL FILMS PRIVATE LIMITED .....Petitioner

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Through: Mr. Sandeep Sethi, Senior Advocate with Mr. Prateek Kumar and Mr. Hardik Malik, Advocates.

versus

AVAADA ENERGY PRIVATE LIMITED & ANR.

.....Respondents

Through: Mr. Rajshekhar Rao, Senior Advocate with Mr. Manmeet Singh, Mr. Anugrah Robin, Mr. Alok Shankar and Ms. Anjali Dwivedi, Advocates.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

O R D E R

% 29.08.2025

1. These petitions are filed on behalf of the Petitioner under Section 11(5) and (6) of Arbitration and Conciliation Act, 1996 ('1996 Act') for appointment of a Sole Arbitrator.

2. As per the case of the Petitioner, Respondent No.1 and Petitioner entered into an arrangement for setting up a captive power plant with an installed capacity of 17.10 MW AC generated from solar energy in District Beed, Maharashtra and two crucial documents i.e., Power Purchase Agreement ('PPA') dated 01.11.2023 and Share Subscription and Shareholders' Agreement ('SSHA') were executed. Equity contribution was to be made in tranches as set out in SSHA with the first tranche payment becoming payable by the Petitioner once Respondent No.1 satisfied the First Tranche Conditions Precedent, including but not limited to procuring required internal corporate approvals and furnishing Performance Bank Guarantee, no later than 7 business days from date of execution of PPA and

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SSHA. Disputes, however, arose between the parties and on 02.12.2024 Petitioner issued notice invoking arbitration under Clause 22.2 of PPA and Clause 15.2 of SSHA, which are identical arbitration agreements. On 13.12.2024, Respondent No.1 issued the termination notice and subsequently responded to the notice invoking arbitration on 17.12.2024. In both the letters, the stand of Respondent No.1 was that SSHA was 'still-born' as the CP Confirmation Notice was never issued and a Force Majeure Event had occurred under the PPA. Since there was no consent to the appointment of an Arbitrator, these petitions were filed by the Petitioner.

3. After canvassing some arguments, learned Senior Counsels for the parties, on instructions, propose the name of Mr. Justice A.K. Sikri, former Judge of the Supreme Court as Sole Arbitrator in all the petitions treating them as six separate references. Joint note agreeing to the learned Arbitrator is handed over and taken on record.

4. Accordingly, with the consent of the parties, Mr. Justice A.K. Sikri, former Judge of the Supreme Court (Mobile No. 9818000300) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties. As agreed, fee of the Arbitrator is left to be decided by the learned Arbitrator. As agreed further, these will be considered as six separate references arising from the aforementioned Agreements. Issue of consolidation of the proceedings in respect of the PPAs and SSHAs respectively in the three petitions is left open for consideration by the learned Arbitrator, as and when the same is raised.

5. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.

6. It is made clear that this Court has not expressed any opinion on the

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merits of the case and all rights and contentions of the respective parties are left open.

7. Petitions along with pending applications are disposed of in the aforesaid terms.

JYOTI SINGH, J

AUGUST 29, 2025/RW

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