



WEB COPY



Arb.O.P(Com.Div.)No.799 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2026

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arb.O.P(Com.Div.)No.799 of 2025

1. Ravi Kumar(Borrower)
S/o.Kumar

2. Jayanthi Ravi (Co-Borrower),
W/o.Ravi Kumar

.... Petitioners

Vs.

M/s.Five-Star Business Finance Limited,
Represented by Manager-Legal, G.S.Robert
New No.27/Old No.4, Taylors Road,Kilpauk,
Chennai – 600 010.

.... Respondent

PRAYER

Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996, to set aside the Arbitral Award dated 27.11.2023 in the Arbitration Case No.454 of 2022.

For Petitioner : Mr.Sai Srujan Tayi

ORDER

This petition has been filed under Section 34 of the Arbitration and Conciliation Act, 1996 [in short, ‘the Act’] challenging the arbitral award dated 27.11.2023 passed by the sole Arbitrator.



2. When the petition came up for admission on 18.12.2025, this

Court passed the following order:

“Notice to the respondent returnable by 22.01.2026. Private notice is also permitted.

*2. The main ground that was urged by the learned counsel for the petitioner is that there was unilateral appointment of arbitrator by the respondent, which runs against the judgment of the Apex Court in **Perkins Eastman Architects DPC V. HSCC (India) Ltd. [(2020) 20 SCC 760]**.*

3. A prima facie has been made out. Hence, there shall be an order of interim stay pending disposal of the present petition.

4. Post this case under the caption for orders on 22.01.2026.

3. The notice has been served on the respondent and the name of the respondent has also been printed in the cause list. However, there is no appearance either in person or through counsel.

4. Heard the learned counsel for the petitioner and carefully perused the materials available on record.



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5. In the case in hand, it is not necessary to go into the merits of the case, since the sole Arbitrator was appointed unilaterally by the respondent. Hence, the award is liable to be interfered with on that ground alone in line with the Hon'ble Apex Court judgment in ***Perkins Eastman Architects DPC V. HSCC (India) Ltd. [(2020) 20 SCC 760]***.

6. In the light of the above discussion, the award passed by the sole Arbitrator dated 27.11.2023 is hereby set aside.

7. It is left open to the respondent to take steps to appoint a fresh Arbitrator in accordance with law and make the claim, if so advised.

In the result, this petition is allowed in the above terms.

23.01.2026

mp



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N.ANAND VENKATESH, J.

mp

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