



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

Arb O.P(COM.DIV.) No. 668 of 2025

M/s.Five Star Business Finance Limited
Regd. Office at
New No.27 (Old No.4) Taylors Road,
Kilpauk, Chennai - 600 010.
Represented by its Authorized Signatory
Madhusandan Someswaran

..Petitioner

Vs

1. Kuncham Yellaiai
S/o.Kuncham Bodaiai,
H.No.2-59, Yellampet Machareddy,
Dist-Kamareddy, elangana – 503 144.
2. Kuncham Latha
W/o.Mr.Kuncham Yellaiah,
H.No.2-59, Yellampet Machareddy,
Dist-Kamareddy, Telangana – 503 144.
3. Uppu Naresh
S/o.Mr.Uppu Hanmanthu,
No.1-60/3 Yellampet Machareddy,
Dist-Kamareddy, Telanganan – 503 144.

..Respondents

Petition filed under Sections 11(5) and (6) of The Arbitration and Conciliation Act, 1996, to appoint a Sole Arbitrator to adjudicate the differences and disputes between the petitioner and the respondents under the Loan Agreement dated 23.02.2023 bearing Reference Number FSTSLALONS000005385918.

For Petitioner:

Mr.P Suresh



ORDER

Relying on Article 10 of the loan agreement between the petitioner and the respondents, the present petition has been filed after issuing notice dated 29.05.2025 under Section 21 of the Arbitration and Conciliation Act, 1996.

2. Article 10, in relevant part, reads as under:

ARTICLE 10: ARBITRATION

GOVERNING LAW, DISPUTE RESOLUTION AND JURISDICTION: (Art 10 existing agreement)

2. Any and all dispute(s), difference(s) and/or claim(s) arising out or touching upon this Agreement or in relating to this Agreement whether during its subsistence or thereafter, shall be referred to the Arbitration by a Sole Arbitrator to be appointed by any one of the below mentioned 'arbitral institution' in accordance with the provisions of the Arbitration and Conciliation Act, 1996 or any statutory amendments thereof from time to time.

a. Council for National and International Commercial Arbitration (CNICA) currently having its office at Unit No. 208, 2nd Floor, B Wing, Raheja Towers, Nos. 113-134, Anna Salai, Chennai-600 002, or

b. Southern India Chamber of Commerce and Industry (SICCI), currently having its Office at Indian Chamber Buildings, P.B. No.1208 Esplanade, Chennai-600 108, or

c. Kovise Foundation Conflict Resolution International (KRCRI), currently having its Office at G-2, Plot No.108, Majestic Colony, Valasarawakkam, Chennai-600 087, or

d. Any arbitral institution designated under the provisions of the Arbitration and Conciliation



WEB COPY



Act, 1996 (the act) or any panel of arbitrators maintained under the provisions of the act.

The entire arbitral proceedings shall be conducted by the Arbitrator in the manner he/she considers appropriate, and the award rendered by the Arbitrator shall be final and binding on all the parties to this agreement. The arbitral institution shall provide administrative assistance to the Arbitrator to facilitate the conduct of the arbitral proceedings, if he/she chooses to avail such assistance from the institution.

3. As is noticeable from Clause 2 of Article 10, the petitioner is required to request one of the institutions mentioned above to appoint a sole arbitrator. Instead of complying with the appointment procedure prescribed in the agreement, the petitioner has directly approached this Court for making appointment.

4. Therefore, this petition is disposed of by granting leave to the petitioner to re-apply if the arbitral institutions fail to appoint an arbitrator in spite of request being made by the petitioner.

26.03.2026

Index: Yes/No
Neutral Citation: Yes/No
mmi



WEB COPY

Arb O.P(COM.DIV.) No. 668 of 2



SENTHILKUMAR RAMAMOORTHY, J.

mmi

Arb O.P(COM.DIV.) No. 668 of 2025

26.03.2026