



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb O.P(COM.DIV.) No. 37 of 2026

1. M.Sathyamoorthy
Proprietor, M/s.Master Fuel, No.3,
natural Buildings, Ettines Road,
Ooty - 643 001.

Petitioner (s)

Vs

1. Bharat Petroleum Corporation
Limited.,
Bharath Bhavan, No.4 and 6,
Currimbhai Road, Ballard Estate,
Mumbai - 9.

2.The Regional Manager
LPG, Bharat Petroleum Corporation
Limited, Ranganathan Garden,
Annanagar, Chennai.

3.The Territory Manager, LPG
Bharat Petroleum Corporation Limited,
No.1644, Peelamedu,
Coimbatore - 641 004.

Respondent(s)

Prayer : Petition filed under Order XIV rule 8 of OS Rules r/w Section 15 and 11 of the Arbitration and Conciliation Act, 1996 and Section 21(1) (c) (viii), (ix) and Section 7 and Section 10(2) of the Commercial Courts Act, 2015 praying to terminate the mandate of the arbitrator namely Hon'ble Mr.Justice (Retd) V.Parthiban and consequently, appoint a fresh arbitrator to complete the arbitration proceedings.

For Petitioner (s): Mrs.A.L.Ganthimathi, Senior
counsel



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for Mr.L.Palanimuthu
For Respondent(s):
M/s. Anirudh Krishnan
(1125/2008)

ORDER

This Court heard the learned counsel appearing on either side.

2. In the case in hand, the petitioner has sought for termination of the mandate and for reconstitution of the arbitral Tribunal. Hence, the petition has been filed under Section 15 and 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the “Act”).

3. In the case in hand, there is absolutely no material to show that the sole arbitrator has withdrawn from office for any reason. In any event, the pleadings were complete on 29.04.2024 and the time prescribed under Section 29A of the Act expired on 29.04.2025. Thereafter, no extension has been sought for by the petitioner under Section 29A(3) of the Act.

4. In view of the above, the case in hand neither falls under Section 14 nor under Section 15 of the Act. Since there is no material to show that the sole arbitrator has withdrawn from office, the best that can be done is to seek for extension of mandate under Section 29A of the Act.

5. When the above was pointed out to the learned Senior Counsel



appearing on behalf of the petitioner, the learned Senior counsel sought for the leave of this Court to withdraw this petition and file a fresh petition under Section 29A of the Act.

6. The learned counsel for the respondent submitted that even if an application is filed under Section 29A of the Act, the present case will fall under Section 29A (4) of the Act and therefore, the respondent will have objections for the extension of the mandate.

7. This Court is not dealing with the application under Section 29A of the Act and therefore, it is not necessary for this Court to go into the objection raised by the learned counsel for the respondent. Hence, as and when any application is filed under Section 29A of the Act and notice is served on the respondent, it is left open to the respondent to always raise their objections.

8. In the result, this petition is closed with a liberty to the petitioner to file a fresh application under Section 29A of the Act and prosecute the same in accordance with law. No costs.

23-02-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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