



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF SEPTEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE B M SHYAM PRASAD

CIVIL MISC. PETITION NO. 65 OF 2023

BETWEEN:

RENEW WIND ENERGY (AP) PVT. LTD.,
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT 1956,
HAVING ITS REGISTERED OFFICE
AT 138, ANSAL CHAMBER-II,
BIKAJI CAMA PLACE,
NEW DELHI 110066 AND CORPORATE
OFFICE AT BLOCK 4A, 6TH FLOOR,
DLF CORPORATE PARK,
MG ROAD, GURGAON 122002,
THROUGH ITS AUTHORISED SIGNATORY
MR NIKHIL KUMAR Y S.

...PETITIONER

(BY SRI. A M SHODHAN BABU.,ADVOCATE)

AND:

JK CEMENT LIMITED
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT 1956, HAVING ITS





REGISTERED OFFICE AT KAMALA TOWER,
KANPUR 208001, UTTAR PRADESH, AND
CORPORATE OFFICE AT PADAM TOWER,
19 DDA COMMUNITY CENTRE,
OKHLA, PHASE 1, NEW DELHI 110020,
THROUGH ITS PRESIDENT (C/A) AND CFO.

...RESPONDENT

THIS CIVIL MISC. PETITION IS FILED UNDER SECTION 11(6) OF ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO APPOINT THE NOMINEE ARBITRATOR ON BEHALF OF THE RESPONDENT, SO THAT THE ARBITRAL TRIBUNAL COULD BE DULY CONSTITUTED TO ARBITRATE THE DISPUTES RAISED BY THE PETITIONER AGAINST THE RESPONDENT IN RESPECT OF BREACH OF TERMS OF THE PPA COMMITTED BY THE RESPONDENT, IN ACCORDANCE WITH THE ARBITRATION AGREEMENT CONTAINED AT CLAUSE 11 OF THE POWER PURCHASE AGREEMENT, DATED 06.07.2013, PRODUCED AT ANNEXURE A.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The learned counsels for the parties submit that existence of a dispute as also the agreement for resolution of dispute by arbitration are not disputed. In fact, the learned counsels submit that the parties have agreed for resolution of dispute by a panel of



three arbitrators but given the nature of the dispute, a sole arbitrator could be appointed leaving open all the questions to be decided in the arbitral proceedings.

In the light of the unanimous submission, the petition is allowed appointing Shri.J.S. Somashekara, a retired District Judge, as the sole arbitrator to enter reference of the dispute between the petitioner and respondent and conduct the proceeding at the Arbitration and Conciliation Centre (Domestic and International), Bengaluru according to the Rules governing the Arbitration and Conciliation Centre (Domestic and International), Bengaluru.

The Registry is directed to communicate this order [through email] to the Arbitration and Conciliation Centre (Domestic and International), Bengaluru and Shri.J.S. Somashekara, a retired District Judge, Address: No.1327, 11th Main Road,



Judicial Layout, G.K.V.K Post, Yelahanka, Bengaluru
– 560065 [email: shobhashekara@gmail.com] as
required under the Appointment of Arbitrators by the
Chief Justice of Karnataka High Court Scheme, 1996.

**SD/-
JUDGE**

SA
ct:sr