



WEB COPY

OA No. 785 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-08-2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

OA No. 785 of 2026

in

C.S. (COM. DIV.) No.227 of 2026

Tamil Nadu Power Distribution Corporation
Limited
formerly Tamil Nadu Generation and Distribution
Corporation Limited/ Tamil Nadu Electricity
Board 6th Floor, Western wing, 144, Anna Salai,
NPKRR Maaligai, Chennai 600 002

..Applicant(s)

Vs

MEIL Neyveli Energy Private Limited
(Formerly known as TAQA Neyveli Power
Company Private Limited and before that ST-CMS
Electric Company Private Limited)
MEIL House, 1st Floor,
No.395, Anna Salai, Teynampet,
Chennai-600018

..Respondent(s)

O.A. No.785 of 2026:

Judge's Summons under Order XIV Rule 8 O.S. Rules read with Order XXXIX Rules 1 and 2 of CPC, to grant an Ad Interim Injunction restraining the Respondent, its officers, agents, representatives and all persons acting through or under it, from continuing, prosecuting or taking any further steps in the arbitration administered by the International Court of Arbitration of the International Chamber of Commerce, bearing ICC Arbitration Case No.30493/1CA11 and seated in London, initiated pursuant to the request for arbitration dated 01/07/2026 under article 15.2 of the Power Purchase Agreement dated 20/11/1996 including from requesting, procuring or taking any



further steps towards constitution of the Arbitral Tribunal pending disposal of the suit.

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For Applicant(s):

Mr. Vijay Narayan
Advocate General
for
Mr.Arun Kumar D.R.

ORDER

This application has been filed seeking to grant an Ad Interim Injunction restraining the Respondent, its officers, agents, representatives and all persons acting through or under it, from continuing, prosecuting or taking any further steps in the arbitration administered by the International Court of Arbitration of the International Chamber of Commerce, bearing ICC Arbitration Case No.30493/1CA11 and seated in London, initiated pursuant to the request for arbitration dated 01/07/2026 under article 15.2 of the Power Purchase Agreement dated 20/11/1996 including from requesting, procuring or taking any further steps towards constitution of the Arbitral Tribunal pending disposal of the suit.

2. Heard Mr.Vijay Narayan, learned Advocate General assisted by Mr.D.R.Arun Kumar, learned counsel for the applicant / plaintiff.



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3. Even though an arbitration clause has been appended in the Power Purchase Agreement entered into between the parties as early as on 30.11.1996, and further considering the fact of the promulgation of the Electricity Act, 2003 which contained Section 86(1) relating to resolution of disputes between the parties, which has to be adjudicated only by the State Commission or an Arbitrator nominated by it, any initiation of proceedings under Section 11 of the Arbitration and Conciliation Act, 1996 would be in violation of Section 86(1)(f) of the Electricity Act, 2003.

4. The above position has been settled by the Hon'ble Apex Court in the judgment reported in *Gujarat Urja Vikas Nigam Ltd. v. Essar Power Ltd.*, reported in (2008) 4 SCC 755, and the said decision has also been followed by the Hon'ble Apex Court in a latest judgment rendered in Civil Appeal No.6570 of 2022.

5. Therefore, the applicant has made out a prima facie case and considering all, this Court is satisfied that any proceedings seeking appointment of an Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996, in respect of the present dispute would, prima facie, be contrary to and in violation of Section 86(1)(f) of the Electricity Act, 2003. The balance of



convenience and irreparable hardship has also been established by the applicant /plaintiff.

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6. Accordingly, there shall be an order of interim injunction restraining the respondent / defendant from proceeding further with the proceedings initiated, until further orders of this Court.

7. Notice to the respondent, returnable in four weeks. Private notice is permitted through Speed Post with Acknowledgment Due.

8. The applicant is directed to comply with the provisions of Order XXXIX Rule 3 of C.P.C.

9. List the matter after four weeks.

03-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI-2



WEB COPY

OA No. 785 of 2



K.KUMARESH BABU, J.

VSI-2

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