



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

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THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

OSA(CAD) No. 148 of 2025

Santha Spinning Mills Pvt. Ltd.
9/119-C, Car Street,
Somanur, Coimbatore,
Tamil Nadu-641 669,
Rep. by its Director C.Cibi Vishnu.

..Appellant

Vs

Asian Wind Energy Pvt. Ltd.
S/F No.746/1 and 2, 751/1 and 2,
Manmangalam Village,
Semmadai, Karur,
Tamil Nadu- 639 006.

..Respondent

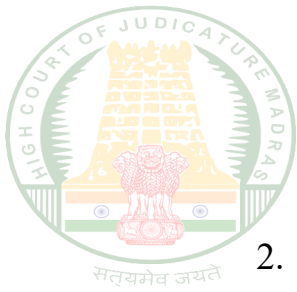
For Appellant:
For Respondent:

Mr.J.Adithya Reddy
Mr.Madhan Babu

ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

The petitioner in Arbitration O.P.(Comm.Div) No.290 of 2023, aggrieved by the order dated 7.11.2025 passed therein, has come up with the present Appeal.



2. The said Arbitration O.P.No. 290 of 2023 had been filed questioning the Arbitral Award dated 30.04.2023 passed by the Arbitral Tribunal.

3. We have heard the learned counsel for the appellant and also the learned counsel for the respondent, who had entered on caveat.

4. The appellant could be termed as a consumer and the respondent could be termed as producer of wind energy. The respondent owns and operates Wind Energy Generators across the State of Tamilnadu with the installed capacity of 18.45 MW. They entered into a Power Purchase Agreement on 24.09.2012. The legal requirements were that 51% of the electricity generated to be used collectively by the captive users, atleast 26% shareholding to be held in the generating company. The appellant held 1250 shares, which constituted 1.25% of the shareholding in the respondent Company. The respondent was committed to supply power during the period from 2012 to 2017.

5. There were disputes which had arisen relating to the consumption of power by the appellant. The issue of increase in shareholding came to be agitated between the parties. Since the agreement had an arbitration clause, the disputes were referred to arbitration and an award had been passed on 30.04.2023.

6. As against the award determining the claim of respondent herein for a sum of Rs.69,28,967/-, together with interest at 18% per annum, the appellant had filed the Arbitration Original Petition under Section 34 of the Arbitration



and Conciliation Act, 1996. The dismissal of the same by the learned Single Judge has necessitated filing of the present Appeal under Section 37 of the Arbitration and Conciliation Act, 1996.

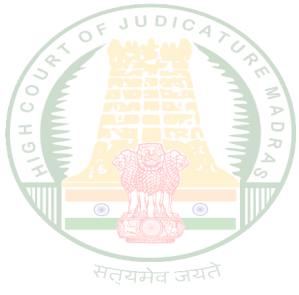
7. We are deeply conscious that the scope of the Appeal is extremely narrow. Nonetheless, the appellant had come forward to deposit Rs.1,00,00,000/- and the learned counsel stated that there are arguable points to be agitated before this court.

8. We would, therefore, **admit the Appeal** subject to the condition that the appellant deposits a sum of Rs.1,00,00,000/- to the credit of this Appeal on or before 16.02.2026. We would also permit the respondent to withdraw the same following due procedure.

Post the matter again on 18.02.2026 to report compliance.

(C.V.K.,J.) (H.C.,J.)
27-01-2026

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**C.V.KARTHIKEYAN, J.
AND
HEMANT CHANDANGOUDAR, J.**

ssk

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To
Asian Wind Energy Pvt. Ltd.
S/F No.746/1 and 2, 751/1 and 2,
Manmangalam Village,
Semmadai, Karur,
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