

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37550 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of respondents 3 and 4 in threatening the petitioner to pay the loan amount of Rs.26,00,000/- and to hand over the vehicles during the pendency of the arbitration proceedings before the Arbitrator at Mumbai, as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner has purchased 5 vehicles (3183) of twelve tyre, HCV vehicles amounting to Rs.26,00,000/- each vehicle. The petitioner has obtained loan from the 4th respondent to purchase the above said vehicles in the month of January, 2016. The petitioner has approached the 4th respondent and gave a detailed representation, marking a copy to the Head Office at Mumbai, stating that due to non-payment of amount by M/s. Sree Balaji Associates, the installments could not be paid. However, the 4th respondent has issued a demand notice, dated 10.05.2016, demanding the petitioner to pay an amount of Rs.17,45,800/- for which the petitioner gave a detailed reply. It is the further case of the petitioner that the 4th respondent has issued a notice under Section 21 of the Arbitration and Conciliation Act, 1996, appointing the Sole Arbitrator to arbitrate the dispute and filed Statement of Claim making a claim of Rs.26,85,247/- of each vehicle along with interest and that the Arbitrator has issued notice, dated 14.10.2016, fixing the arbitration meeting on 15.11.2016 at 11.00 a.m., at Mumbai directing the petitioner to attend the arbitration proceedings.

The main grievance of the petitioner is that during the pendency of the dispute before the Arbitrator, the 4th respondent seems to have given

a complaint to the 3rd respondent and that though the complaint has not been registered, the 3rd respondent has called the petitioner and directed him to produce the vehicle before the 3rd respondent and directed to hand over the same to the 4th respondent and that the 3rd respondent is threatening the petitioner with dire consequences and stated that a case would be registered against the petitioner.

Learned Public Prosecutor representing the 3rd respondent submitted that the 3rd respondent is not interfering in any of the affairs as alleged by the petitioner.

Considering the grievance of the petitioner and also the rival contention of the 3rd respondent, the Court is of the view that the writ petition can be disposed of with the following direction:

The 3rd respondent is directed not to interfere in any of the affairs of the petitioner and the 4th respondent, more particularly, with the civil disputes pending between them in connection with the loan availed by the petitioner from the 4th respondent for purchase of 5 vehicles (3183) of twelve tyre, HCV vehicles. However, this Order will not stand in the way of the 3rd respondent to register a case, if any complaint is lodged against the petitioner for cognizable offence.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO,J

Date: 3rd November, 2016

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