

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.06.2018

CORAM

The Hon'ble Mr.Justice M.DHANDAPANI

W.P.No.17158 of 2007

& Connected M.Ps.

Subbarayan

.. Petitioner

vs.

1. THE SECRETARY TO GOVERNMENT
Commerical Tax and Registration(K) Dept,
Fort. St.George, CHENNAI 9.
2. THE DEPUTY REGISTRAR OF CHITS
SALEM WEST, SALEM.
3. SALEM SREE RAMA VILAS CHIT
COMPANY PVT. LTD REP BY ITS PRESIDENT
Mr.N.K.RAMALINGAM,
28 ARYA VYSAL ST SHEVAPET , SALEM.
4. SRI RAM FINANCE (FIRM)
REP BY ITS DIRECTOR MR.A.KARUNAKARAN 28
(UPSTAIRS) ANDAL ST , SALEM.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorari calling for the records of the 2nd respondent herein ARC No.129/01 dt.6.10.2003 and confirmed by the 1st respondent order made G.O.(D) No.86 dt.23.3.2007 and quash the same.

For Petitioner : Mr.Srinath Sridevan
For Respondents 1 & 2 : Mr.K.Ravikumar, AGP
For Respondent-3 : Mr.D.Shivakumaran

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O R D E R

Petitioner is a Chit subscriber with the third respondent and for non-payment of monthly subscription of the loan amount, the third respondent raised an Arbitration before the second respondent. The second respondent passed an award involving the guarantors as well as the petitioner. As against the award of second respondent the petitioner preferred an appeal before the first respondent as against the same, the present writ petition has been filed.

2. I have heard the learned counsel appearing for the petitioner, learned Add\ Government Pleader for the respondents 1 and 2 as well as the learned counsel appearing for the third respondent.

3. Learned counsel appearing for the third respondent contended that the writ petition was filed only on the ground that no opportunity had been granted to the petitioner before arbitration proceedings.

4. A perusal of the proceedings, it is seen that opportunity had not been given to the petitioner before concluding the arbitral proceedings. Hence, this Court is inclined to remit the matter for fresh adjudication. In view of the same, the order impugned herein and the consequent order of the first respondent are set aside and the matter is remitted for fresh consideration by the second respondent. The second respondent is directed to pass order on merits and in accordance with law, after providing due opportunity to the petitioner as well the third respondent within a period of six months from the date of receipt of a copy of this order. This writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

smi

To

1. THE SECRETARY TO GOVERNMENT
Commerical Tax and Registration(K)Dept,
Fort. St.George,CHENNAI 9.

2 THE DEPUTY REGISTRAR OF CHITS
SALEM WEST,SALEM.

+1cc to the Government Pleader, S.R.No.40404.

W.P.No.17158 of 2007

SS (CO)

BM 03/08/2018