

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 09TH DAY OF SEPTEMBER 2020

THE HON'BLE MR. JUSTICE M.GOVINDARAJ

A.Nos.8234 and 8480 in A.No.7186 of 2018
and
A.Nos.8824 and 8825 of 2018

A.No.8234 and 8480 of 2018:

In the matter of Section 9 of
Arbitration and Conciliation Act,
1996, in the matter of Agreement
dated 30.11.2016 between the
Applicant and the respondents and
in the matter of the Tamil Movie
'Dhruva Natchatiram'

M/s.Ondraga Digital Private Limited,
rep. by its Director, Kameshwari S.,
Apartment D2, Casa Grande,
15/44, Rathnam Street,
Gopalapuram, Chennai-600 086.

..Applicants in both applications

-Vs-

M/s. Sun Power Solar Technick Pvt. Ltd.,
represented by its Director
Mr.SatyanKasturi
102, Defence Officers Colony,
Ekkatuthangal, Chennai 600 032.

... 1st Respondent/Applicant in both applications

-Versus-

1. M/s. Kondaduvom Entertainment
Represented by its Partner
Mr.Gowtham Vasudev Menon
69-A, Habibullah Road, T.Nagar,
Chennai - 600 017.

2. Mr.Goutham Vasudev Menon

3. Mr.S.Venkataramanan

4. Ms.Reshma Ghatala

5. Mr.P.Madan, (2 to 5 having office at)
69-A, Habibullah Road, T.Nagar,
Chennai 600 017.

...(2 to 6) Respondents /Respondents
in both applications

A.No.8234 of 2018:

This application praying that this Hon'ble court be pleased to implead the Applicant/Third Party Intervenor as Respondent in A.No.7186 of 2018 as a necessary party.

A.No.8480 of 2018:

This application praying that this Hon'ble court be pleased to vacate the order dated 05.10.2018 passed in A.No.7186/2018 in so far as the following Bank Accounts are concerned ie., (i) the Current Account No.510909010091610 of Ondraga Digital Pvt. Ltd. held at City Union Bank, Teynampet Branch, (ii) the Current Account No.510909010094889 of Ondraga Digital Pvt. Ltd Held at City Union Bank, Teymapet Branch.

A. No.7186 of 2018:-

In the matter of Section 9 of Arbitration and Conciliation Act, 1996, and in the matter of Agreement dated 30.11.2016 between the Applicant and the respondents and in the matter of the Tamil Movie 'Dhruva Natchatiram'

M/s. Sun Power Solar Technick Pvt. Ltd.,
represented by its Director
Mr.SatyanKasturi
102, Defence Officers Colony,
Ekkatuthangal, Chennai 600 032.

... Applicant

-Versus-

1. M/s. Kondaduvom Entertainment
Represented by its Partner
Mr.Gowtham Vasudev Menon
69-A, Habibullah Road, T.Nagar,
Chennai 600 017.
2. Mr.Goutham Vasudev Menon
3. Mr.S.Venkataramanan
4. Ms.Reshma Ghatala
5. Mr.P.Madan, (2 to 5 having office at)
69-A, Habibullah Road, T.Nagar,
Chennai 600 017.
6. City Union Bank Ltd.,
Seethammal Extension,
Teynampet, Chennai-600 018.

... Respondents

7. HDFC Bank Ltd.,
40, Nungambakkam High Road,
Nungambakkam, Chennai-600 034.
8. ICICI Bank Ltd.,
40, Bazullah Road,
T.Nagar, Chennai-600 017.
9. Axis Bank Ltd.,
Block-2, Sector 1,
P.T.Rajan Road, K.K.Nagar,
Chennai-600 078.
10. Axis Bank Ltd.,
351, Avvai Shanmugam Salai,
Gopalapuram, Chennai-600 086. ...Garnishees/Respondents
6 to 10
11. M/s.Ondraga Digital Private Limited, (*)
rep. by its Director, Kameshwari S.,
Apartment D2, Casa Grande,
15/44, Rathnam Street,
Gopalapuram, Chennai-600 086. ..11th Respondent
- (*)11th Respondent impleaded as
per order dated 29.10.2018 in
A. No.8234 of 2018**

Application praying that this Hon'ble Court be pleased to direct the respondents 1 to 5 herein to furnish security for a sum of Rs.17,85,74,364/- together with interest @ 18% per annum being the sums due to this applicant within a certain date to be fixed by this Hon'ble Court failing which to attach before judgment the sums lying in the bank accounts of the respondents 1 to 5 and their sister concerns with the garnishee banks, respondents 6 to 10 herein, as detailed in the schedule to the Judge's Summons by issuing a prohibitory order to said Garnishee Banks from

allowing any operations by way of withdrawal or passing of cheques in the said accounts.

A.No.8824 of 2018:

In the matter of Section 9 of Arbitration and Conciliation Act, 1996, and in the matter of Agreement dated 30.11.2016 between the Applicant and the respondents and in the matter of the Tamil Movie 'Dhruva Natchatiram'

M/s. Sun Power Solar Technick Pvt. Ltd.,
represented by its Director
Mr.SatyanKasturi
102, Defence Officers Colony,
Ekkatuthangal, Chennai 600 032.

... Applicant

-Versus-

1. M/s. Kondaduvom Entertainment
Represented by its Partner
Mr.Gowtham Vasudev Menon
69-A, Habibullah Road, T.Nagar,
Chennai 600 017.

2. Mr.P.Madan

3. Mr.Goutham Vasudev Menon

4. Mr.S.Venkataramanan

5. Ms.Reshma Ghatala (2 to 5 having office at)
69-A, Habibullah Road,
T.Nagar, Chennai-600 017.

... Respondents

6. M/s.Ondraga Digital Private Limited,
15/44, Rathnam Street,
Apartment D2, Casa Grande,
Gopalapuram, Chennai-600 086.

7. M/s.Photon Kathaas Production Private Limited,
Repersented by its Director,
Mr.S.Venkataramanan,
Having its office at
No.19, Avenue Road,
Nungambakkam, Chennai-600 034.
8. City Union Bank Ltd.,
Seethammal Extension,
Teynampet, Chennai-600 018.
9. Axis Bank Ltd.,
351, Avvai Shanmugam Salai,
Gopalapuram, Chennai-600 086. ...Garnishees/Respondents
6 to 9

Application praying that this Hon'ble Court be pleased to attach before Judgment the sum lying in the bank accounts in the names of the Respondents 1 to 7 with the garnishee Banks, Respondents 8 and 9, as detailed in the schedule to the Judges summons, by issuing prohibitory orders prohibiting the garnishee Banks, Respondents 8 and 9 from allowing any operation by way of withdrawal or passing of cheques in the said accounts, pending disposal of the Arbitration proceedings under the agreement dated 30.11.2016 in respect of the film Dhuruva Natchatiram.

A.No.8825 of 2018:

In the matter of Section 9 of Arbitration and Conciliation Act, 1996, and in the matter of Agreements dated 01.10.2016 and 07.10.2017 between the Applicant and the respondents and in the matter of the

Tamil Movie 'Enai Nokki Paayum
Thorra'.

M/s. Sun Power Solar Technick Pvt. Ltd.,
represented by its Director
Mr.SatyanKasturi
102, Defence Officers Colony,
Ekkatuthangal, Chennai 600 032.

... Applicant

-Versus-

1. M/s. Kondaduvom Entertainment
Represented by its Partner
Mr.Gowtham Vasudev Menon
69-A, Habibullah Road, T.Nagar,
Chennai - 600 017.

2. Mr.P.Madan

3. Mr.Goutham Vasudev Menon

4. Mr.S.Venkataramanan

5. Ms.Reshma Ghatala (2 to 5 having office at)
69-A, Habibullah Road,
T.Nagar, Chennai-600 017. ... Respondents

6. M/s.Ondraga Digital Private Limited,
15/44, Rathnam Street,
Apartment D2, Casa Grande,
Gopalapuram, Chennai-600 086.

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Repersented by its Director,
Mr.S.Venkataramanan,
Having its office at
No.19, Avenue Road,
Nungambakkam, Chennai-600 034.

8. City Union Bank Ltd.,
Seethammal Extension,
Teynampet, Chennai-600 018.

9. Axis Bank Ltd.,
351, Avvai Shanmugam Salai,
Gopalapuram, Chennai-600 086.

...Garnishees/Respondents
6 to 9

Application praying that this Hon'ble Court be pleased to attach before Judgment the sum lying in the bank accounts in the names of the Respondents 1 to 7 with the garnishee Banks, Respondents 8 and 9, as detailed in the schedule to the Judges summons, by issuing prohibitory orders prohibiting the garnishee Banks, Respondents 8 and 9 from allowing any operation by way of withdrawal or passing of cheques in the said accounts, pending disposal of the Arbitration proceedings under the agreement dated 01.10.2016 read with Supplementary Agreement dated 07.10.2017 in respect of the film "Enai Nookui Paayum Thota".

These Applications coming on this day before this court for hearing the court made the following order

A.No.8234 of 2018 in A.No.7186 of 2018

The above application has been filed for impleading the applicant as a party to proceedings. The same was ordered on 29.10.2018 itself.

Hence, no further orders are required.

A.Nos.8824 and 8825 of 2018

The above applications are filed for an order of attachment before judgment.

A.No.8480 of 2018

The above application is filed for vacating the interim order granted in A.No.7186 of 2018.

Now that, it is submitted that against the applicant Sun Power Solar Technick Pvt. Ltd., proceedings were initiated before National Company Law Tribunal, Chennai, and an Insolvency Resolution Professional (IRP) has been appointed. The applicant has to be represented by IRP. Therefore, the name and details of IRP has to be furnished to this Court.

Post the matters before regular Court.

Sd/M.G.R.J.
09.09.2020

//Certified to be a true copy//
Dated this the day of 2020.

SU/17.09.2020

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.