

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Civil Miscellaneous Appeal No. 1233 of 2020
and C.M.P.No.8043 of 2020

1. M/s. K.R.Enterprises,
No. L-36, Ambattur Industrial Estate,
Ambattur,
Chennai - Tamil Nadu- 600 058

2.K.Ravi

..Appellants/Respondents

vs

1. M/s. Electronica Finance Ltd,
A company incorporated under
Companies Act, 1956, having its register
Office at Kailash Chandra, though its authorized
representative Mr.Aadhish Shintre
128/1A, Paud Road,
Kothrud, Pune - 38

2. Sri Balaji Tech,
No.50, Bajanai Kovil Street,
Pattaravakkam,
Chennai - 600 098,
Tamilnadu

3. R.Sivagamsundari
No.2/79, 2nd Block,
Mugappair West,
Mogappair, Tiruvallur,
TamilNadu - 600037

..Respondents

The appeal filed under section 37(2) (a), 37(2) (b) of Arbitration and Conciliation Act, 1996 to set aside the order of interim measure dated 30.11.2019 in Arb.Case No.57 of 2019 passed by the Sole Arbitrator Mr.Pradip Yadav, No.303, 3rd Floor, Aasm Tower, CTS 110, Opp. To SSPM School, Court Road, Shivaji Nagar, Pune - 411005, Maharashtra.

For Appellants : Mr.S.Natarajan

For Respondents: Mr.Anand Johnson
for Mr. Namasivayam

J U D G M E N T

This Civil Miscellaneous Application has been filed as against the order passed by the learned Arbitrator under Section 17 of the Arbitration and Conciliation Act with regard to taking possession of machinery.

2. On perusal of the records, this Court has posed a question as to whether this appeal is maintainable before this Court since the order passed by the learned Arbitrator under Section 17 of the Arbitration and Conciliation Act at Pune and arbitration also conducted at Pune.

3. Today, after hearing both sides, this Court perused the arbitration Clause governing the parties.

4. It is the contention of the appellant that they had not signed any agreement nor the copy of the agreement communicated to the other side.

5. Learned counsel for the respondents has fairly submitted that the agreement was signed by the parties, the same clearly indicated that the venue of the arbitration is fixed at Pune and exclusive jurisdiction of the Courts is at Pune is also agreed by the parties. In such view of the matter, it is clear that the interim orders have been passed by learned Arbitrator, Pune. Hence, this appeal is not maintainable before this Court. It is for the appellant to approach before the concerned High Court particularly High court of Bombay as against the order passed by the learned Arbitrator.

6. In view of the above, this Civil Miscellaneous Appeal is dismissed as not maintainable before this Court. Without going into the merits, the liberty is also granted to the appellant to approach the Hon'ble High Court situated at Bombay as against the order as per law. The interim orders passed in Civil Miscellaneous Petition is also stands vacated.

Sd/-

Assistant Registrar

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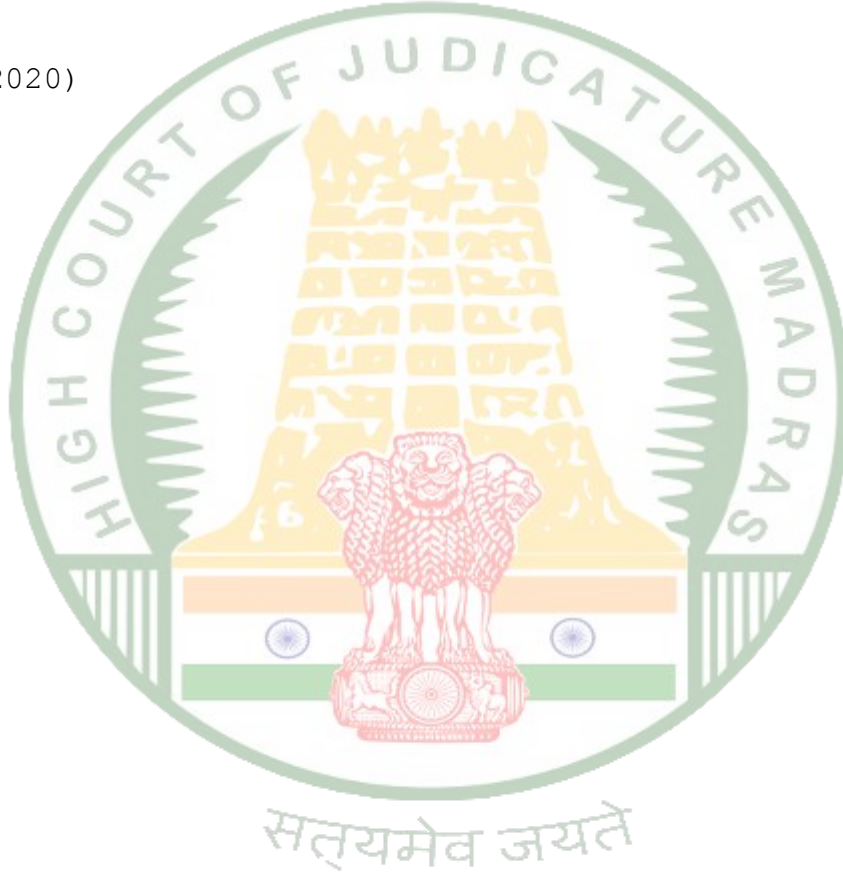
Sub Assistant Registrar

To

1. Mr.Pradip yadav,
Sole Arbitrator,
No.303, 3rd floor, Aasmi Tower,
CTS 110, opp to SSPM School,
Court Road, Shivaji Nagar,
Pune-411005, Maharashtra.

C.M.A. No. 1233 of 2020
and
C.M.P.No.8043 of 2020

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