

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 22ND DAY OF SEPTEMBER 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. Nos.6198 and 7037 of 2015

In the matter of Arbitration &  
Conciliation Act, 1996

and

In the matter of disputes between  
M/S. SGS ELECTRONICS and  
M/s. M/S. BORG ENERGY INDIA  
PRIVATE LIMITED Agreement for  
Master Franchisee for BORG ASTRA  
TURNKEY Group (BATG) Products  
dated 27.12.2013.

M/S. SGS ELECTRONICS,  
REPRESENTED BY ITS PROPRIETOR  
G. SATHYANARAYANAN,  
18/14, 3RD CROSS STREET,  
R.A. PURAM,  
CHENNAI-600 028

..APPLICANT

-Vs-

1. M/S. BORG ENERGY INDIA PRIVATE LIMITED,  
REGISTERED OFFICE AT  
NO.37, PM TOWERS,  
GREAMS ROAD, OPP.ALI TOWERS,  
CHENNAI – 600 006.

2. AXIS BANK  
A/c No.915020007069906,  
MAIN Branch,  
SPRM TOWERS,  
50 Alagar, Koil Main Road,  
Tallakulam, Madurai - 625 002

### 3. STANDARD CHARTERED BANKS

A/c No.42105086068,  
Haddows Road,  
Chennai.

..Garnishees/Respondents

#### A.No.6198 of 2015:

Application praying that this Hon'ble Court be pleased to direct the respondent to furnish security to the extent of Rs.24,55,171 as the first instance failing which, an order of attachment of immovable properties belonging to the respondent as set out in the Judge's summons preferring a claim before the Arbitral Tribunal Applicant.

#### A.No.7037 of 2015:

Application praying that this Hon'ble Court be pleased to attachment on the stock lying in the 1st respondent's go down at No.7 Uchampatti Road, Maramattupatti Village, Thirumangalam Taluk, Madurai - 625 008.

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

The Application No.6198 of 2015 has been filed, seeking a direction to the respondent to furnish security for a sum of Rs.24,55,171/- and the Application No.7037 of 2015 has been filed, seeking an order of attachment of the stock lying in the first respondent's go-down at No.7, Uchampatti

2. It appears that the arbitration was already commenced and the award was also passed during the month of May 2017. However, the award was not put into enforcement and these applications have been kept on pending. It also appears that various orders have been passed by this court with a direction for the presence of the respondent, but the respondent appears to be absconding.

3. In such view of the matter, this Court is of the view that this Court cannot be converted into an Execution Court. Hence, it is for the applicant to enforce the award as per law.

4. Accordingly, this application is closed.

Sd/.N.S.K.J.  
22.09.2020

//Certified to be a true copy//

Dated this the                      th day of                      2020.  
su.11.11.2020

COURT OFFICER(O.S.)

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