

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CMA.No.484 of 2020
and CMP.No.2723 of 2020

1. Gho Agro Private Limited
Rep.by its Director Vimal Raj Chordia
having its registered office at
New No.10, Old No.122, 2nd floor,
P S Sivaswamy Salai, ST Ebbas Avenue
Mylapore, Chennai 600 004.
2. Vimal Raj Chordia
3. Ranjithmal Chordia
4. Pankaj Bethala
5. Hemant Chordia ..Appellants/Respondents

Versus

1. Kotak Mahindra Bank Ltd.,
Rep.by its Branch Manager,
5th floor, Samson Towers,
402 L, Pantheon Road, Egmore
Chennai 600 008. ...1st Respondent/Petitioner
2. The Sole Arbitrator
C.Prasanna Venkatesh
Flat A, Ground Floor,
AL Block No.214, (New No.23)
14th Main Road, Shanthi Colony,
Anna Nagar, Chennai 600 040. ...2nd Respondent/Sole Arbitrator

PRAYER: Civil Miscellaneous Appeal filed under Section 37
(2) (b) of the Arbitration and Conciliation Act, 1996 praying to
set aside the interim order dated 03.01.2020 made in I.A.No.1 of
2019 in KB B DT 144 of 2019 on the file of the Sole Arbitrator.

For Appellants : Mr.M.Senthil Kumaran

For Respondents : Mr.M.Arunachalam for R1

ORDER

This Civil Miscellaneous Appeal has been filed as against the order passed by the learned Arbitrator dated 03.01.2020 under Section 17 as an interim measure.

2. It is an undisputed fact and the matter has been referred to sole arbitrator which arose in a financial transaction. The learned arbitrator passed an order under Section 17 appointing one Krishnamoorthy as a receiver of taking possession and custody of movable property of the first respondent morefully set out in the order itself. The above order was put in challenge before this Court. The main ground of the learned counsel for the appellants is that the order has been passed exparte without hearing the parties namely the appellants. When the matter came before this Court the learned counsel appearing for the first respondent submitted that final award itself passed by the sole arbitrator on 10.03.2020 and submitted that they are enforcing the award as per the law. He further submitted that they no longer use the order passed under Section 17 rather they enforce the final award as per law.

3. The submission made by the learned counsel for the first respondent is recorded in such view of the matter the Civil Miscellaneous Appeal is dismissed as infructuous. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

+1cc to Mr.M.Arunachlam, Advocate in Sr. No.25082

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mr (co)
rr ii (01/09/2020)