

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 16TH DAY OF MARCH 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A.NOs.6849 and 6867 of 2019

A.NO.6849 OF 2019:

In the matter of Arbitration
and Conciliation Act, 1996

And

In the matter of Disputes between
M/s.Cholamandalam Investment and
Finance Company Ltd., and M/s.
Bihar Construction Company &
others Arising under Loan Agreement
No. X0CEKRA00002265357 Dated
30.01.2018.

M/s. Cholamandalam Investment and Finance Company Limited
'Dare House', No.2, N.S.C.Bose Road,
Parrys, Chennai – 600 001.

Represented by its Authorised Signatory : Applicant

Vs.

1. M/S.BIHAR CONSTRUCTION COMPANY
PROP MR.MAHINDER SINGH
NEAR AGRASEN COLLEGE, DARRI ROAD,
KORBA, CHHATTISGARH- 495 677.

2. MR.SURINDER PAL SINGH
NEAR AGRASEN COLLEGE
DARRI ROAD, KORBA,
CHHATTISGARH-495 677.

:RESPONDENTS

BILASPUR (CG)
S.E.C.L.BHAVAN,
SEEPAT ROAD, BILASPUR,
CHHATTISGARH - 495 006.

4. GENERAL MANAGER
CONTRACT MANAGEMENT CELL
SOUTH EASTERN COALFIELD LIMITED
S.E.C.L.BHAVAN, SEEPAT ROAD,
BILASPUR,
CHHATTISGARH – 495006.

: GARNISHEES

Application praying that this Hon'ble Court be pleased to pass an order to prohibiting the Garnishee from making payment of Rs.51,81,356/- or any amount to the Respondents or to their men, agents, representatives or to any one claiming on respondents behalf and restrain the respondents or their men, agents, representatives or any one claiming on respondents behalf from receiving a sum of Rs.51,81,356/- or any amount from the Garnishee and further direct Garnishees to deposit the sum of Rs.51,81,356/- or any amount to the credit of above application.

A.No.6867 of 2019:

In the matter of Arbitration
and Conciliation Act, 1996

And

In the matter of Disputes between
M/s.Cholamandalam Investment and
Finance Company Ltd., and M/s.
Bihar Construction Company &
others Arising under Loan Agreement
No. X0CEKRA00002265358 Dated
30.01.2018.

M/s. Cholamandalam Investment and Finance Company Limited
'Dare House', No.2, N.S.C.Bose Road,
Parrys, Chennai – 600 001.

Represented by its Authorised Signatory : Applicant

Vs.

1. M/S.BIHAR CONSTRUCTION COMPANY
PROP MR.MAHINDER SINGH
NEAR AGRASEN COLLEGE, DARRI ROAD,
KORBA, CHHATTISGARH- 495 677.

2. MR.SURINDER PAL SINGH
NEAR AGRASEN COLLEGE
DARRI ROAD, KORBA,
CHHATTISGARH-495 677.

:RESPONDENTS

3. CHAIRMAN - CUM - MANAGING DIRECTOR
SOUTH EASTERN COALFIELDS LIMITED
BILASPUR (CG)
S.E.C.L.BHAVAN,
SEEPAT ROAD, BILASPUR,
CHHATTISGARH - 495 006.

4. GENERAL MANAGER
CONTRACT MANAGEMENT CELL
SOUTH EASTERN COALFIELDS LIMITED
S.E.C.L.BHAVAN, SEEPAT ROAD,
BILASPUR,
CHHATTISGARH – 495006.

: GARNISHEES

Application praying that this Hon'ble Court be pleased to pass an
order to prohibiting the Garnishees from making payment of Rs.51,86,480/-
or any amount to the respondents or to their men, agents, representatives or
to any one claiming on respondents behalf and restrain the respondents or
their men, agents, representatives or any one claiming on respondents behalf
from receiving a sum of Rs.51,86,480/- or any amount from the Garnishee

and further direct Garnishees to deposit the sum of Rs.51,86,480/- or any amount to the credit of above application.

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

The application in A.No.6849 of 2019 has been filed to pass an order prohibiting the Garnishee from making payment upto a limit of Rs.51,81,356/- to the Respondents or to their men, agents, representatives or to anyone claiming on respondents behalf and restrain the respondents behalf from receiving a sum of Rs.51,81,356/- or any amount from the Garnishees and further direct the Garnishees to deposit the sum of Rs.51,81,356/- or any amount to the credit of the above application.

2.The application in A.No.6867 of 2019 has been filed to pass an order prohibiting the Garnishee from making payment upto a limit of Rs.51,86,480/- to the Respondents or to their men, agents, representatives or to anyone claiming on respondents behalf and restrain the respondents behalf from receiving a sum of Rs.51,86,480/- or any amount from the Garnishees and further direct the Garnishees to deposit the sum of Rs.51,86,480/- or any amount to the credit of the above application.

3. In the application in A.No.6867 of 2019, the Garnishee has

filed an affidavit stating that no amount is lying with them payable to the

respondents. The affidavit is also taken on record. Parties are one and the same in both the applications and hence, no order can be passed in these applications.

4. Accordingly, these applications are closed.

Sd/.N.S.K.J.
16.03.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/25.08.2020

COURT OFFICER(O.S.)

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

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