

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2020

CORAM:

THE HON'BLE MR. JUSTICE S.VAIDYANATHAN

C.M.A.Nos.4849 to 4851 of 2019

1. EMI Infrastructure Private Limited,
represented by its Managing Director,
Chandrasekaran
No.3, 7th Cross Street, Vinayaka Nagar,
Off Dodanagamangal Road,
Electronics City, Bangalore,
Karnataka - 560 100.
 2. Chandrasekaran
Son of Sundara Varathan,
No.3, 7th Cross Street,
Vinayaka Nagar,
Off Dodanagamangal Road,
Electronics City, Bangalore,
Karnataka - 560 100. ... Appellants/ Respondents/
Respondents in all Appeals
- vs.
1. Equitas Small Finance Bank Limited,
(formerly known as Equitas Finance Limited),
Represented by its Manager - Legal,
Spencer Plaza, 4th Floor, Phase II,
No.769, Mount Road,
Anna Salai, Chennai 600 002. ...1st Respondent/Petitioner/
Claimants in all Appeals
 2. ACC Limited,
represented by its Managing Director,
RMX Division,
No.224/A, Bommasandra Industrial Area,
Third Phase, Hosur Main Road,
Bangalore - 560 099.
 3. The Managing Director,
ACC Limited, RMX Division,
No.224/A, Bommasandra Industrial Area,
Third Phase, Hosur Main Road,
Bangalore - 560 099.

4. The Accounts Department,
ACC Limited, RMX Division,
No.224/A, Bommasandra Industrial Area,
Third Phase, Hosur Main Road,
Bangalore - 560 099.
5. BREN Corporation,
represented by its Managing Director,
No.61, Balavana, 5th A Block,
Koramangala, Bangalore - 560 095.
6. The Managing Director,
BREN Corporation,
No.61, Balavana, 5th A Block,
Koramangala, Bangalore - 560 095.
7. The Accounts Department,
BREN Corporation,
No.61, Balavana, 5th A Block,
Koramangala, Bangalore - 560 095.
8. Aditya Birla Ultratech Cement,
represented by its Managing Director,
B Wing, Second Floor, Ahura Centre,
Mahakali Caves Road, Andheri East,
Mumbai - 400 093.
9. The Managing Director,
Aditya Birla Ultratech Cement,
B Wing, Second Floor, Ahura Centre,
Mahakali Caves Road, Andheri East,
Mumbai - 400 093.
10. The Accounts Department,
Aditya Birla Ultratech Cement,
B Wing, Second Floor, Ahura Centre,
Mahakali Caves Road, Andheri East,
Mumbai - 400 093.
11. L & T Construction,
represented by its Managing Director,
L & T House, N.M.Marg,
Ballard Estate, Mumbai - 400 001.
12. The Managing Director,
L&T Construction,
N.M.Marg, Ballard Estate,
Mumbai - 400 001.

13. The Accounts Department,
L&T Construction,
N.M.Marg, Ballard Estate,
Mumbai - 400 001.

... Respondents 2 to 13/
Respondents 3-14/ Third
Parties in all Appeals

Civil Miscellaneous Appeals filed under Section 37 of the Arbitration and Conciliation Act, 1996 challenging the orders dated 29.11.2019 passed by the sole Arbitrator Mr.C.Samson in Application No.177 of 2019 in Arbitration Case No.314 of 2019, Application No.178 of 2019 in Arbitration Case No.315 of 2019 and Application No.179 of 2019 in Arbitration Case No.316 of 2019, respectively.

For Appellants in all Appeals : Mr.Govind Chandrasekhar

For 1st Respondent in all Appeals: Mr.Anirudh Krishnan

C O M M O N J U D G M E N T

This matter is listed today under the caption 'for clarification' at the instance of the learned counsel for the Appellants.

2. On 30.12.2019, this Court had granted stay of operation of the Interim Awards dated 29.11.2019, which are under challenge in the present Appeals, in C.M.P.Nos.27934, 27938 and 27940 of 2019, and the same was subsequently extended vide orders dated 03.01.2020, 09.01.2020 and 27.01.2020.

3. Today, with the consent of the learned counsel for the parties, the above Civil Miscellaneous Appeals itself are taken up for final disposal.

4. It is represented by the learned counsel for the Appellants that the entire amount due to the Bank has been paid and there are no arrears as on date. He further submitted that the Garnishees may be directed to pay the amount directly to the Appellants and that, the Appellants will appear before the Arbitrator and resolve the issue after hearing the Respondents.

5. Learned counsel appearing for the Garnishees submitted that, as long as there is no dispute with regard to the amount payable to the Appellants, the same will be paid. If there is any dispute, the same will be resolved and the agreed amount will be paid by the Garnishees to the Appellants.

6. To the above effect, the interim order dated 27.01.2020 passed by this Court is clarified.

7. Recording the submissions of the learned counsel on either side, the above Civil Miscellaneous Appeals are disposed of accordingly. No costs. Consequently, connected C.M.P.Nos.27934, 27938 and 27940 of 2019 are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To
Mr.C.Samson, Sole Arbitrator,
No.2/3 Jeganathan Garden Street,
Eldams Road, Teynampet,
Chennai-600 018.

+2 cc 's to Mr.Govind Chandrasekhar, Advocate,sr.9884

+1 cc to Mr.A.Damodaran, Advocate,SR.9739

rji(co)
krd 4/9

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