

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 10TH DAY OF MARCH 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.9831 of 2018

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of Arbitration of the
dispute between C.Samson and
Equitas Small Finance Bank Limited
(Formerly Known as Equitas Finance
Private Limited) and 6 Others Loan
Agreement SLTRCHY0089457 dated
25.03.2016 and the Order made by the
arbitrator in A.No.31 of 2018 in
CS/BL/Arbitration Case No.91 of
2018 dated 20.09.2018.

Mr.SAMSON C.
SOLE ARBITRATOR

NO.2/3, JEGANATHAN GARDEN STREET,
ELDAMS ROAD, TEYNAMPET,
CHENNAI - 600 018.

..Applicant

-Vs-

1. EQUITAS SMALL FINANCE BANK LTD,
REP.BY ITS DEPUTY VICE PRESIDENT - LEGAL
SPENCER PLAZA,
4TH FLOOR, PHASE II,
NO.769, MOUNT ROAD,
ANNA SALAI, CHENNAI-600 002

2. MR.SARAVANA KUMAR,
S/D/W/O MR.KARUPPAIAH,
NO.3/38 SARAVANA ILLAM,
BALAJI STREET, MULLAI VASAL,
THIRUVERUMBUR, TRICHY - 620 013

..Respondent/Borrower/Contemptor

3. MRS.GANDHIMATHY
S/D/W/O/MR/KARUPPAIAH,
NO.3/38, SARAVANA ILLAM,
BALAJI STREET, MULLAI VASAIM
THIRUVERUMBUR,
TRICHY - 620 013

..Respondent/Co-Borrower/Contemptor

4. BHARAT HEAVY ELECTRICALS LIMITED,
REP.BY ITS MANAGING DIRECTOR,
BHEL HPBP COMPLEX,
THIRUVEMBUR, TRICHY – 620 014

5. THE CHIEF EXECUTIVE OFFICER
BHARAT HEAVY ELECTRICALS LIMITED
BHEL HPBP COMPLEX, THIRUVERUMBUR,
TRICHY – 620 014.

6. THE CHIEF FINANCIAL OFFICER
BHARAT HEAVY ELECTRICALS LIMITED
BHEL HPBP COMPLEX, THIRUVERUMBUR,
TRICHY – 620 014.

7. THE FINANCE DEPARTMENT
BHARAT HEAVY ELECTRICALS LIMITED
BHEL HPBP COMPLEX, THIRUVERUMBUR,
TRICHY – 620 014.

..RESPONDENT /GARNISHEE / CONTEMPTOR

Application praying that this Hon'ble Court be pleased to punish the Respondents No.2 to 7 for having committed contempt of the order dated 20/09/2018 in A.No.31 of 2018 in CS/BL/ARBITRATION CASE

This Application coming on this day before this court for hearing the court made the following order:

This application has been filed to punish the respondents 2 to 7 for having committed contempt of the Order dated 20.09.2018 in A.No.31 of 2018 in CS/BL/Arbitration Case No.91 of 2018.

2. It is the specific case of the respondent that they are not a party to the arbitration agreement and no notice was issued under section 17 of the Arbitration and Conciliation Act by the sole arbitrator while passing the Order. Further, the allegation with regard to retaining the amount of the second and third respondents and not sending the same to the applicant is also disputed and submitted that there is no such designation as mentioned as respondents 4 to 7 in the first respondent company.

3. When there is no designation as mentioned in the first respondent's company and when the respondents have taken a specific stand that there is no such designation in their company, without any enquiry with regard to whether or not such designation or persons are working under the first respondent, they cannot be liable to pay the amount. When the Order itself is passed without any enquiry and when there is no materials available on record to show that the respondents 4 to 6 are working under the first respondent, there cannot be any contempt.

4. Accordingly, this application is dismissed.

Sd/.N.S.K.J.
10.03.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/27.05.2020

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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