



Arb.Appln.228 of 2021

ABDUL QUDDHOSE,J.

WEB COPY

This application has been filed under Section 9 of the Arbitration and Conciliation Act seeking for an appointment of a Receiver to seize the vehicle.

2. A learned counsel has entered appearance on behalf of the respondents. No counter affidavit has been filed till date.

3. Learned counsel for the applicant submits that the applicant has already initiated arbitration proceedings in accordance with the arbitration agreement. She further submits that the applicant is willing to go before the Arbitral Tribunal seeking for the same relief as sought for in the application. The said statement is recorded. However, at the same time, she submits that an interim protection may be granted to the applicant restraining the respondents from alienating the hypothecated vehicle till an application is filed by the applicant under Section 17 of the Arbitration and Conciliation Act seeking for re-possession of the hypothecated vehicle from the respondent.



WEB COPY



ABDUL QUDDHOSE,J

srn

4. No useful purpose will be served, if this application is allowed to be kept pending, as the applicant is having the power to approach the Arbitral Tribunal under Section 17 of the Arbitration and Conciliation Act seeking for the very same relief as sought for in this application.

5. After recording the statements made by the learned counsel for the applicant, this application is disposed of by granting liberty to the applicant to approach the Arbitral Tribunal under Section 17 of the Arbitration and Conciliation Act, 1996, seeking for the very same relief as sought for in this application. Till the applicant approaches the Arbitral Tribunal, this Court grants an order of interim protection injunctioning the respondents from alienating or encumbering the vehicle, which is the subject matter of the loan agreement entered into between the applicant and the respondents.

22.11.2021

srn

Arb.Appln.228 of 2021