

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 28TH DAY OF JANUARY 2021

THE HON'BLE MR. JUSTICE M.SUNDAR

O.A. Nos.39 and 40 OF 2021
and
A.Nos.221 and 222 of 2021

In the matter of Arbitration &
Conciliation Act, 1996
and
In the matter of Clause 23.6.of the
Conditions of Amended and
Restated Joint Development
Agreement Dated 06.04.2011.

ARIHANT FOUNDATIONS AND HOUSING LIMITED
Represented by its authorized Signatory,
Mr.S.Selvakumar, Old No.182,
New No.271, Poonamallee High Road,
"Ankur Manor", 1st Floor,
Off McNichols Road,
Kilpauk, Chennai 600 031.

..Applicant in all applications
O.A. Nos.39 and 40 of 2021
and
A.Nos.221 and 222 of 2021

-Vs-

1. PVP VENTURES LIMITED,
(Formerly known as SSI Limited),
Having its registered office at
Door No.2, KRM Centre,
9th Floor, Harrington Road,
Chetpet, Chennai 600 031.

..1st Respondent in all applications
O.A. Nos.39 and 40 OF 2021

and
A.Nos.221 and 222 of 2021

2. CANARA BANK

Large Corporate Branch,
TSR Complex, 2nd Floor,
1-7-1, S.P.Road,
Secunderabad-500 003.

3. PVP CAPITAL LTD.,

Having its registered office at
Door No.2, KRM Centre,
9th Floor, Harrington Road,
Chetpet, Chennai - 600 031.

..Garnishee/Respondents
in all applications
O.A. Nos.39 and 40 OF 2021
and
A.Nos.221 and 222 of 2021

O.A.No.39 of 2021:

Original Application praying that this Hon'ble Court be pleased to grant an order of Interim Injunction restraining the 2nd Respondent from proceeding further with the sale notice dated 22/10/2020 pertaining the 2nd Schedule mentioned property and preserve the property herein.

O.A.No.40 of 2021:

Original Application praying that this Hon'ble Court be pleased to grant an order of Interim Injunction restraining the 1st Respondent from creating any encumbrances/third party right over the 1st Schedule mentioned properties.

A.No.221 of 2021:

Original Application praying that this Hon'ble Court be pleased to Stay of all further proceedings pursuant to the Sale Notice dated 22/10/2020 issued by the 2nd Respondent/Garnishee Bank.

A.No.222 of 2021:

Original Application praying that this Hon'ble Court be pleased to direct the 2nd Respondent Bank to disclose, inform and advertise about this Applicant's right over the Scheduled mentioned property to any proposed auction purchasers including any third parties, evincing interest over the said Scheduled mentioned property and the General Public.

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

Captioned applications were listed before me today (28.01.2021, Thursday) pursuant to orders of Hon'ble Chief Justice made today, acceding to a request from counsel on record for applicant in all four captioned applications for an urgent residence motion today being a public holiday.

2 This Court, i.e., virtual court (web hearing on video conferencing platform) sat at 04.00 p.m. and I conducted VC hearing from my Chamber in High Court for logistics convenience of all concerned. In the virtual hearing, Mr.B.Ramkumar, learned counsel on record assisted by another counsel on record Mr.K.Sureshababu were before me.

3 Registry had brought to the notice of this Court that three earlier applications being O.A.Nos.664 and 665 of 2020 and A.No.2921 of 2020 also under section 9 of 'The Arbitration and Conciliation Act, 1996 (Act 26 of 1996)' (hereinafter 'A and C Act' for brevity) on the same subject matter pertaining to a sale notice dated 22.10.2020 came up before me and all the three applications were dismissed as withdrawn at the request of counsel for applicant after some arguments on 04.12.2020. That case file was also placed before me and 04.12.2020 order reads as follows:

'Mr.V.Raghavachari, learned counsel appearing on behalf of counsel on record for applicant, assisted by Mr.P.J.Rishikesh, one of the counsel on record, was before me in this web-hearing on a videoconferencing platform.

2.To be noted, owing to recusal by Hon'ble Portfolio Judge, captioned applications were listed before me by the Registry in accordance with Standing Orders/Notification of Hon'ble Chief Justice in this regard.

3.After some arguments, learned counsel sought permission to withdraw captioned applications. Learned counsel sent an e-mail to the Registry, which is as follows:

'From:JR Original Side <jroriginalsidemhc@gmail.com>

Date: Fri, Dec 4, 2020 at 5:15 PM

Subject: Fwd: OA No 664 , 665 of 2020 ; Appln No 2921 of

2020

To: Vijayakrishnan Venkateswaran

<vvkrishnan21@gmail.com> ,

pranjithk1994@gmail.com>

From: rishikesh P.J<rishikeshraja@gmail.com>

Date: Fri, 4 Dec 2020 at 17:10

Subject: OA No 664 , 665 of 2020 ; Appln No 2921 of 2020

To: JR Original Side <jroriginalsidemhc@gmail.com>

Respected Sir,

The Above referred Application was filed u/s 9 of the Arbitration and Conciliation Act 1996 and the same was listed before the Hon'ble Justice M. Sundar as item No 1 - Additional List.

We are herewith withdrawing the said Petitions filed.

Therefore kindly place this Email/Memo before the Hon'ble Court for its kind consideration and suitable orders.

Counsel for Petitioner.

--

P.J.Rishikesh

Advocate

Partner

NR Associates

Advocates

No 10A, 14th Avenue,

Harrington Road,

Chetpet, Chennai – 31

Phone: 044-2836 2655;

Fax: 044- 2836 2633

Email: nrlawyers@gmail.com

Mobile: + 91 98411 88677'

4. Mr.P.J.Rishikesh, learned counsel on record reiterated the contents of the aforementioned e-mail, requested to treat the e-mail as a memo and sought leave to withdraw the captioned applications.

Permitted to withdraw. Captioned applications dismissed as withdrawn. There shall be no order as to costs. '

4 To be noted, present captioned four applications also pertain to same subject matter albeit pertaining to sale notice dated 07.01.2021 fixing auction on 29.01.2021. Though typed set off papers contain this 07.01.2021 sale notice, judges summons and prayer paragraph of supporting affidavit in O.A.No.39 of 2021 seek injunction qua aforementioned 22.10.2020 sale notice only.

5 It was pointed out that there is no averment in the affidavit filed in support of captioned applications about the earlier three applications and withdrawal of the same.

6 Faced with the above situation, learned counsel sought leave of this court to withdraw the captioned four applications saying that there is also some possibility of negotiations with the bank.

7 Learned counsel expressed regret for the inconvenience caused to Court and Registry.

8 Learned counsel also email filed a letter requesting for withdrawal and the same reads as follows:

B.RAM KUMAR
Advocate

No. 10/A, 14th Avenue,
Harrington Road, Chetpet,
Chennai – 600 031.
Ph:- 044-2836 2655.

Date: 28.01.2021

To:

The Joint Registrar
(Original Side),
Madras High Court
Chennai.

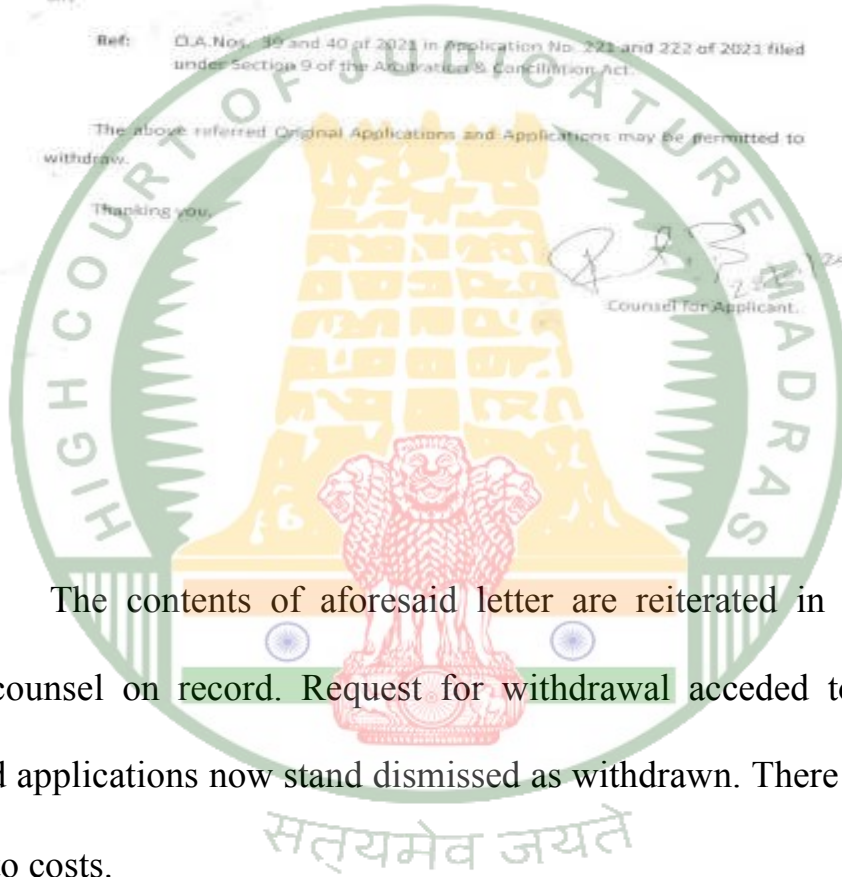
Sir,

Ref: O.A.Nos. 39 and 40 of 2021 in Application No. 221 and 222 of 2021 filed
under Section 9 of the Arbitration & Conciliation Act.

The above referred Original Applications and Applications may be permitted to
withdraw.

Thanking you,

Counsel for Applicant.



9 The contents of aforesaid letter are reiterated in hearing by
learned counsel on record. Request for withdrawal acceded to. All four
captioned applications now stand dismissed as withdrawn. There shall be no
order as to costs.

Sd/M.S.J.
28.01.2021

WEB COPY

//Certified to be a true copy//

Dated this the th day of 2021.

su.29.01.2021

COURT OFFICER(O.S.)

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