



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 21ST DAY OF JUNE 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.363 of 2021

In the matter of Arbitration and
Conciliation Act 1996,

AND

In the matter of disputes between
M/S EQUITAS SMALL FINANCE
BANK LIMITED and
M/S.MARVELLA METALS and
others arising under Agreement
Dated 21.10.2018 overdraft facility
bearing Agreement
No.ESFB/CBE/2018/0D8TL/RAJK
OT/02.

M/S EQUITAS SMALL FINANCE BANK LIMITED,
4th Floor, Phase - II, Spencer Plaza,
769, Anna Salai, Chennai,
Tamil Nadu-600002

Represented by its

Authorised Signatory

Mr.K.Siva Raja Pandian (Emp.No.36197)

..Applicant

-Vs-

1. M/S.MARVELLA METALS,
Rep.by its Managing Partner Mr.Mansukbhai C Gamdha
SR.NO.97, P1 Plot No.51-52,
Iskon Industrial Area-Ravki Taluka-Lodhika,
Rajkot-360 005.

..Borrower/Respondent-1

2. MR.MANSUKBHAI C GAMDHA
Managing Partner M/s.Marvella Metals
SR.NO.97, P1 Plot No.51-52,



Iskon Industrial Area-Ravki Taluka-Lodhika,
Rajkot-360 005.

..Co..Borrower-1/Respondent-2

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Also at:

Mr.Mansukbhai C Gamdha
At Chibhda, Taluk-Ludhika,
Rajkot-360 035

3. MR.SANJAYBHAI V CHO VATIYA

Partner M/s.Marvella Metals Ishvar Krupa
Block No.B/17, SHGN Residency,
Near Alap Heritage Nana Mava Road,
Rajkot - 360 035.

..Co-Borrower-2/Respondent-3

4. MR.DHARMESHBHAI G RANK

Partner M/s.Marvella Metals,
Jay Kodiyar,
Karishna Park Society,
Near Summun Day School,
Mavdi Road, Rajkot - 360 035.

..Co..Borrower-3/Respondent-4

5. MR.CHO VATIYA GOVIND RAVJI

Partner M/s.Marvella Metals
Ishvar Krupa, Block No.B/17,
SHGN Residency, Near ALAP Heritage
Nana Mav Road, Rajkot-360 035

..Co..Borrower-4/Respondent-5

6. MR.JAGDISHBHAI GAMDHA

Partner M/s.Marvella Metals Shivam Park,
Street No.2, Mavdi, Gurukul Pachal,
Rajkot - 360 035.

..Co..Borrower-5/Respondent-6

Application praying that this Hon'ble Court be pleased to pass an
order of appointment of MR.VINAYKUMAR PATHAK DEPUTY

MANAGER RECEIVABLES-SURAT of the applicant company as receiver

to seize and deliver the movables items more particularly described in the



schedule to the Judges Summon from the Respondent 1 to 6 or wherever it is found with powers to break open the premises and grant permission to the receiver to obtain police aid from the superintendent of police, Rajkot District, Gujarat after taking the inventories, the said movable items are to be handed over to the Applicant's Office or to their representatives at Rajkot and file his report thereon to this Hon'ble Court.

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

This application has been filed to pass an order of appointment of Mr. Vinaykumar Pathak, Deputy Manager Receivables-Surat of the applicant Company as Receiver to seize and deliver the movables items more particularly described in the schedule to the Judges Summon from the respondents 1 to 6 or wherever it is found with powers to break open the premises and grant permission to the Receiver to obtain police aid from the Superintendent of Police, Rajkot District, Gujarat, after taking the inventories, the said movable items are to be handed over to the applicant's office or to their representatives at Rajkot and file his report thereon to this Court.



2. Heard Ms.A.S.Neela Narayani, learned counsel for the applicant and Mr.K.Balasubramaniam, learned counsel for the respondents.

3. Today, when the matter was taken up for hearing through Video Conferencing, Mr.K.Balasubramaniam, learned counsel appearing for the respondents submitted that arbitration has already been initiated and the relief as sought for in this Application has already been obtained, before the Arbitrator, under Section 17 of the Arbitration and Conciliation Act, 1996. Hence submitted that the present application for the same relief is not maintainable.

4. Admittedly, the learned Arbitrator, vide, order, dated 28/12/2020, appointed Receiver to seize and deliver the Schedule mentioned properties from the respondents. Liberty was granted to the Receiver to seek for Police help, if required. Pursuant to this, warrant was also issued. It has to be noted that any order passed by the Tribunal, under Section 17 of the Act, shall be deemed to be an order of the Court for all purposes and shall enforceable under the Code of CPC in the same manner as if it were the order of the Court. It is well settled that once an Arbitrator Tribunal has been constituted and an order has been obtained. The Court shall not



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5. In such a view of the matter, this Court, do not find any merit in this Application and accordingly, the same is dismissed.

Sd/.N.S.K.J.
21.06.2021

//Certified to be a true copy//

Dated this the th day of 2021.

su.20.07.2021

COURT OFFICER(O.S.)

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