

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 17TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.A. No.165 of 2021

and

A.No.2634 of 2021

O.A. No.165 of 2021

In the matter of Arbitration &
Conciliation Act, 1996

and

Arising out of Trade Facilitation
Agreement dated 08.10.2020
Between the Applicants and
Respondents

Samunnati Agro Solutions Pvt. Ltd.,
Represented by its Senior Manager D.Vijayakarathi
Having office at Baid Hi Tech Park,
8th Floor, No.129 B East Coast Road,
Thiruvanmiyur, Chennai 600 041.

... Applicant

-Versus-

1. M/s. Castle Distributors Pvt. Ltd.,
Green Plaza, 67, Maharishi Debendra Road,
4th Floor, Room No.401,
Kolkatta, West Bengal – 700 006.

2. Sanjay Kumar Kejriwal
Club Town, Block 6, Flat 4/A/B, V.I.P.Road
Haldiram, Rajarhat Gopalpur (m)
North Parganas, West Bengal – 700052.

: Respondents

O.A.No.165 of 2021

Original Application praying that this Hon'ble Court be pleased to grant an order of interim injunction restraining the Respondents their men, agents, servants or anybody claiming right either under or through them from disposing of, alienating, encumbering any of their assets, instruments (shares, debentures, stocks, etc.,) movable and immovable properties more fully described in but not limited to the schedule hereunder either acting through themselves or on behalf of their agents or other such persons in any manner whatsoever.

A.No.2634 of 2021

In the matter of Arbitration &
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Respondents

M/s. Castle Distributors Pvt. Ltd.,
Green Plaza, 67, Maharishi Debendra Road,
4th Floor, Room No.401,
Kolkatta, West Bengal – 700 006.

... Applicant / 1st Respondent

-Vs-

1. Samunnati Agro Solutions Pvt. Ltd.,
Represented by its Senior Manager D.Vijayakarathi
Having office at Baid Hi Tech Park,
8th Floor, No.129 B East Coast Road,
Thiruvanniyur, Chennai 600 041.

... 1st Respondent / Applicant

2. Sanjay Kumar Kejriwal
 Club Town, Block 6, Flat 4/A/B, V.I.P.Road
 Haldiram, Rajarhat Gopalpur (m)
 North 24 Parganas, West Bengal – 700052.
 ... 2nd Respondents / 2nd Respondent

Application praying that this Hon'ble Court be pleased to VACATE the order dated March 18, 2021.

These applications coming on this day before this court for hearing in the presence of Mr.Nithiyaesh Natraj, for M/s.Nithyaesh & Vaibhav, advocates for the applicant in O.A.No.165 of 2021 and for the 1st respondent in A.No.2634 of 2021 and Mr.Mainak Bose for Mr.Guru Dhananjay, advocates for applicant in A.No.2634 of 2021 and for the 1st Respondent in O.A.No.165 of 2021, and upon reading the Judges Summons and the Affidavit of Poonam Kejriwal filed in A.No.2634 of 2021, in view of this court that the Arbitrator has been appointed in O.P.Nos.69 and 70 of 2021, it is ordered as follows:-

That the order of interim injunction granted in pursuance of the order dated 18.03.2021 made in O.A.No.165 of 2021 restraining the respondents therein from disposing, alienating or otherwise encumbering the properties more fully set out in the schedule thereunder be and are hereby vacated.

2. That the O.A. No.165 of 2021 and A.No.2634 of 2021 do stand closed.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
17th DAY OF AUGUST 2021.

Sd/-

ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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ED
04.10.2021

O.A. No.165 of 2021
and
A.No.2634 of 2021

ORDER :-

DATED :17.08.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 05/10/2021

APPROVED ON: 13/10/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 17TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.A. No.165 of 2021

and

A.No.2634 of 2021

O.A. No.165 of 2021

In the matter of Arbitration &
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-Versus-

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: Respondents

O.A.No.165 of 2021

Original Application praying that this Hon'ble Court be pleased to grant an order of interim injunction restraining the Respondents their men, agents, servants or anybody claiming right either under or through them from disposing of, alienating, encumbering any of their assets, instruments (shares, debentures, stocks, etc.,) movable and immovable properties more fully described in but not limited to the schedule hereunder either acting through themselves or on behalf of their agents or other such persons in any manner whatsoever.

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Club Town, Block 6, Flat 4/A/B, V.I.P.Road
Haldiram, Rajarhat Gopalpur (m)
North 24 Parganas, West Bengal – 700052.

... 2nd Respondents / 2nd Respondent

Application praying that this Hon'ble Court be pleased to VACATE the order dated March 18, 2021.

These applications coming on this day before this court for hearing, the court made the following order:-

Application No.2634 of 2021 has been filed to vacate the order dated 18.03.2021 passed by this Court in O.A.No.165 of 2021.

2. Original application No.165 of 2021 has been filed for an order of interim injunction restraining the respondent from disposing of, alienating, encumbering the properties described in the schedule to the Judges Summons.

3. By Order dated 18.03.2021, this Court has passed an order of an interim injunction in O.A.No.165 of 2021. It has been extended till now. When the matter was taken up in the last hearing, this Court has posed a query as to whether the respondents have any intention to deal with the

property, they informed that they have no intention to deal with the property till the arbitration proceedings. Today, the learned counsel for the respondents has also filed an affidavit in respect to the Serial Nos.1 to 6 of the schedule mentioned properties.

Paragraph 6 of the affidavit reads as follows :

“It is respectfully stated that the subject to charge of the bank already existing the Respondent company shall not sell or alienate the property mentioned at serial No.2,3 and 4 situated at 236B, A.J.C.Bose Road, Kolkata-700020 and fixed deposits respectively. I state that subject to Charge of the bank I shall also not sell or alienate my undivided share in the property described at serial number 1 & 5.”

4. In view of the undertaking given by them, this Court is of the view that interim Order cannot be extended and as far as the contention in paragraph(f) of the affidavit in respect to Serial No. 6 is concerned, it is for the applicant to workout the remedy before the learned Arbitrator under Section 17 of the Arbitration and Conciliation Act, if any need arise.

5. In such view of the matter, interim order already granted by this Court in O.A.No.165 of 2021 dated 18.03.2021 stands vacated, particularly, in view of the fact that the Arbitrator has been appointed in O.P.Nos.69 and

70 of 2021.

6. Accordingly, this application is ordered. Consequently, connected original application is closed.

Sd./-N.S.K.J.

17/08/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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