



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 22ND DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A.NO.1066 of 2021

In the matter of dispute
between the parties under
clause 13 of the Terms and
Conditions of the Arbitration
Agreement dated 13.01.2018.

A.NO.1066 OF 2021:-

M/s.Aqua Engineers & Consultants India Pvt Ltd
Represented by its Managing Director
Mr.K.Jayaram,
No.5, LGP Complex, First Floor,
Off 200 Feet Bye Pass Road,
Vanagaram, Chennai – 600 095.

...Applicant

Vs

1. Ocean Lifespaces India Private Limited,
MF-1, Industrial Estate,
CIPET Hostel Road, Guindy,
Chennai – 600 032.

...1st Respondent

2. Kone Elevator India private Limited,
Plot No: A-28,
SIPCOT Industrial Park,
Pillaipakkam,
Sriperumbudur.

...2nd Respondent/Garnishee



Application Praying that this Hon'ble Court be pleased to grant an order prohibiting the 2nd Respondent/Garnishee from making payment of a sum of Rs.55,96,825.49/- to the 1st Respondent or its agents and further direct the 2nd Respondent/Garnishees to deposit the said sum of Rs.55,96,825.49/- to the credit of the above Application until disposal of the Arbitral proceedings.

This application coming on this day before this court for hearing in the presence of Mr.P.J.Rishikesh, Advocate for the applicant herein and Ms.Aparajitha Viswanath, Advocate for the 1st respondent herein and Mr.Gokulraj for M/s.Hari Radhakrishnan, Advocates for the 2nd respondent herein and upon reading the judge's summon and the affidavit of K.Jayaram and the counter affidavit of S.Ramesh Kumar filed herein and this court having observed that when the dispute itself is raised as to the nature of the amount to be paid, the amount has not been crystalised and at this stage, it is premature to direct the garnishee to deposit the amount towards the debts which has not been crystalised and **it is ordered as follows:-**

That the A.No.1066 of 2021 do stand closed.



2. That the applicant herein shall be at liberty to work out the remedy before the learned Arbitrator.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS
THE 22ND DAY OF JULY 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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VSP

27/08/2021

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A.NO.1066 of 2021

ORDER

DATED : 22.07.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 31/08/2021

APPROVED ON: 31/08/2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 22ND DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A.NO.1066 of 2021

In the matter of dispute
between the parties under
clause 13 of the Terms and
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M/s.Aqua Engineers & Consultants India Pvt Ltd
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Vs

1. Ocean Lifespaces India Private Limited,
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CIPET Hostel Road, Guindy,
Chennai – 600 032.

...1st Respondent

2. Kone Elevator India private Limited,
Plot No: A-28,
SIPCOT Industrial Park,
Pillaiyakkam,
Sriperumbudur.

...2nd Respondent/Garnishee



WEB COPY

Application Praying that this Hon'ble Court be pleased to grant an order prohibiting the 2nd Respondent/Garnishee from making payment of a sum of Rs.55,96,825.49/- to the 1st Respondent or its agents and further direct the 2nd Respondent/Garnishees to deposit the said sum of Rs.55,96,825.49/- to the credit of the above Application until disposal of the Arbitral proceedings.

This application coming on this day before this court for hearing in the presence of Mr.P.J.Rishikesh, Advocate for the applicant herein and Ms.Aparajitha Viswanath, Advocate for the 1st respondent herein and Mr.Gokulraj for M/s.Hari Radhakrishnan, Advocates for the 2nd respondent herein and upon reading the judge's summon and the affidavit of K.Jayaram and the counter affidavit of S.Ramesh Kumar filed herein, and **the court made the following order:-**

This application has been filed to grant an order prohibiting the second respondent/Garnishee from making payment of a sum of Rs.55,96,825.49, to the first respondent or its agents and further direct the second respondent/Garnishees to deposit the said sum of Rs.55,96,825.49 to the credit of the above application, until disposal of the Arbitral proceedings.



2. Heard Mr.P.J.Rishikesh, Ms.Aparajitha Viswanath, learned counsel for R.1 and Mr.Gokulraj for Mr.Hari Radhakrishnan for R.2.

3. The second respondent is said to be holding some money of the first respondent. On a perusal of the entire application, it appears that the very dispute is with regard to the contract and the applicant has raised certain bills against the first respondent which has been disputed by them.

4. In such a view of the matter, when the dispute itself is raised as to the nature of the amount to be paid, the amount has not been crystalised. At this stage, it is premature to direct the garnishee to deposit the amount towards the debt which has not been crystalised.

5. In view of the above observation, this application is closed. Liberty is granted to the applicant to work out the remedy before the learned Arbitrator.

Sd./-N.S.K.J
22.07.2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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