



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

C.M.A.No.1391 of 2021  
and  
C.M.P.No.7154 of 2021

Ahluwalia Contractors (I) Limited,  
Rep by its Director Mr.M.K.Hingorani,  
A-177, Okhla Industrial Area,  
Phase-1, New Delhi - 110 020.

.. Appellant

Vs.

1.M/s.Sundaram Finance Ltd.,  
No.21, Patullous Road,  
Chennai - 600 002.

2.M/s.Hitani Enterprises Private Limited,  
D-228, Third Floor, Vivek Vihar,  
Phase-1, Delhi Anand Vihar,  
East Delhi - 110 092.

3.Shapoorji and Pallonji (I) Limited,  
Regional Office : P.S.Srijan Corporate Park,  
Tower - 1, 7<sup>th</sup> Floor, Plot No.G-2, Block-GP,  
Sector-V, Salt Lake, Kolkatta - 700 091,  
West Bengal,  
Corporate Office at : SP Centre,  
41/44, Minoo Desai Marg, Coloba,  
Mumbai - 400 005.

...Respondents

Civil Miscellaneous Appeal filed under Section 37 of the Arbitration and Conciliation Act, 1996, to set aside the impugned order dated 12.10.2020 of the Sole Arbitrator passed in I.A.No.67 of 2020 in Arbitration Case No.PR/SF/28/2020.

For Appellant : M/s.Srenik S.Jain

For Respondents: Mr.R.Uma Shankar for

M/s.Sri & Shankar Associates for R-1

#### JUDGMENT

Aggrieved by the order passed by the learned sole Arbitrator directing the Garnishee to deposit a sum of Rs.43,59,762/- in I.A.No.67 of 2020 in Arbitration Case No.PR/SF/28/2020, dated 12.10.2020, the appellant is before this Court.



2. In respect of identical matter, a learned Judge of this Court in C.M.A.Nos.586 and 587 of 2021, by judgment dated 26.03.2021, has set aside the similar order passed by the learned sole Arbitrator. The said judgment dated 26.03.2021 reads as follows:

"2. The appellant has been arrayed as a Garnishee from whom the amounts are payable to the respondents 2 and 3. It is the case of the Garnishee that no amounts are payable to the respondents 2 and 3 and therefore, he has been unnecessarily dragging on the proceedings. The above fact is not denied by the 1st respondent/claimant.

In these circumstances, the orders passed by the learned Arbitrator in Arbitration Case No.PF/SF/30/2020 directing to deposit a sum of Rs.42,86,362/- and a sum of Rs.43,59,762/- in Arbitration Case No.PR/SF/28/2020 against the appellant is set aside and the Civil Miscellaneous Appeals are allowed. Consequently, connected Miscellaneous Petitions are closed."

3. The learned counsel for the appellant/Garnishee submitted that in view of the above judgment of this Court in C.M.A.Nos.586 and 587 of 2021, dated 26.03.2021, the present Civil Miscellaneous Appeal is also to be allowed.

4. Accordingly, the present Civil Miscellaneous Appeal is allowed in the same terms as in the above said judgment dated 26.03.2021 passed in C.M.A.Nos.586 and 587 of 2021. The impugned order dated 12.10.2020 passed by the learned Sole Arbitrator in I.A.No.67 of 2020 in Arbitration Case No.PR/SF/28/2020, dated 12.10.2020, is set aside. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

CS  
To  
1. Sole Arbitrator,  
Mr.P.Rosiah,  
District Judge (Retd).  
F 157, 5<sup>th</sup> Street, Anna Nagar East,  
Near Chinthamani, Chennai 102



2. The Section Officer,  
V.R. Section,  
High Court, Madras.

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+1cc to Mr.P.Subba Reddy, Advocate SR.No. 35327

C.M.A.No.1391 of 2021

A.SK(18.08.2021)