



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

OSA (CAD) Nos.105 and 50 of 2021

OSA (CAD) No.105 of 2021

Samunnati Agro Solutions Pvt. Ltd.,
rep. by its Senior Manager,
D.Viajakarthi
Having Officer at Baid Hi Tech Park,
8th floor, No.129-B, ECR,
Thiruvannamiyur, Chennai-600 041.

... Appellant

Vs

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

... Respondent

Appeal filed under Section XIII of Commercial Divisions and Commercial Appellate Division of the High Court Act, 2015 read with Order XXXVI Rule 11 of Original Side Rules against the judgment and order dated 18.03.2021 in A.No.1098 of 2021 on the file of original side of this court.

Prayer in A.No.1098 of 2021: Application filed under Section 9 of Arbitration and Conciliation Act, 1996 (26 of 1996) to grant an order of Interim Direction to the Respondents to disclose on oath all their movable and immovables assets before this Hon'ble Court.

For the Appellant : Mr.Nithyaesh Natraj

For the Respondent : Mr.A.Bagaria



OSA (CAD) No.50 of 2021

M/s.Samunnati Financial Intermediation &
Services Pvt. Ltd.,
having office at Baid Hi-Tech Park,
8th Floor, 129-B, ECR, Thiruvannamiyur,
Chennai 600 041.

... Appellant

Vs

1. M/s.Kandhian Feeds,
No.142, Salem Road,
Namakkal 637 001

2. Jagannathan

3. Vijaya

4. Kandian Integra Pvt Ltd
No.756/142A, Salem Main Road,
Namakkal - 637 001.

... Respondents

Appeal filed under Section 13 of Commercial Courts Act read with Clause 15 of the Letters Patent against the judgment and order dated 05.03.2021 in A.No.903 of 2021 on the side of original side of this court.

Prayer in A.No.903 of 2021: Application filed under Section 9 of Arbitration and Conciliation Act, 1996 (26 of 1996) to grant an order of Interim Direction to the Respondents to disclose on oath all their movable and immovables assets before this Hon'ble Court.

For the Appellant : Mr.Nithyaesh Natraj

For the Respondents : Mr.T.L.Thirumalaisamy,
for Respondents 1 and 2

: R-3 refused

: R-4 No appearance

COMMON JUDGMENT
(Delivered by the Hon'ble Chief Justice)

These two appeals are directed against orders of similar nature by which the appellants' prayers for disclosure of assets by the respondents have been declined.



2. Both sets of respondents are represented.

3. The appellants, however, inform the court that the individual arbitration references have now been taken up and the arbitral tribunal, in either case, is in seisin of the matter.

4. In such circumstances, the orders impugned are not interfered with. However, the appellants are left free to seek such interim measures as they may be advised to before the arbitral tribunals. The arbitral tribunals would be entitled to receive such applications and deal with the same in accordance with law, upon affording the respondents due opportunity of hearing, without being influenced by the observations in the orders impugned.

5. It is made clear that the merits of the rival contentions have not been gone into.

OSA Nos.105 of 2021 and 50 of 2021 are disposed of. CMP Nos.18237 and 12331 of 2021 are closed. There will be no order as to costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

sra

To

The Sub Assistant Registrar,
Original Side, Madras High Court,
Chennai.

+1cc to Mr.T.L.Thirumalai Samy, Advocate, S.R.No.58275

OSA Nos.105 and 50 of 2021

SSV(CO)
SU(29/11/2021)