

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 04TH DAY OF FEBRUARY 2021

THE HON'BLE MS. JUSTICE P.T.ASHA

A.No.2170 of 2020 and A.No.1560 of 2020
and

A.No.1861 of 2020 and O.A.No.274 of 2020
and

O.P.No.480 of 2020

A.No.2170 of 2020:

In the matter of Section 9 of
Arbitration Conciliation Act, 1996
and

In the matter of disputes between
Suresh Kannan and M/s. RRB
Energy Limited, arbitral under
Clause E of the
Memorandum of Understanding
dated 06.02.2020 entered into
between the parties.

SURESH KANNAN,
SOLE PROPRIETOR,
M/S.VIJAY STEELS
No.200 'A', Madhavaram High Road,
Chennai - 600 060

Represented by his Power Agent

1. Mohamed Ismail,
No.253, M.T.H.Road,
Asian Garden, Flat No.208,
B – Block, Villivakkam,
Chennai- 600 049

2. Seeman Abdul Kadhar
No.41/20, Paruthivakkam Street,
Alandur,
St.Thomas Mount,
Chennai - 600 016.

..Applicant

-Vs-

1. M/S RRB ENERGY LIMITED,
GA 1/B-1 Extension,
Mohan Co-Operative Industrial Estate,
Mathura Road,
New Delhi 110 044.

..1st Respondent

2. THE VEERAIYAN SARSWATHY CHARITABLE TRUST
Rep.by its Managing Trustee,
Dr.N.M.Veeraian,
No.162, Pooamallee High Road,
Vellappanchavadi,
Chennai - 600 077.

..2nd Respondents/Garnishee

Application praying that this Hon'ble Court be pleased to direct the 1st Respondent to handover the items purchased by the Applicant, morefully described in the Judge's Summons hereunder, lying in the premises now belonging to the 2nd Respondent/Garnishee herein, to the Applicant forthwith, pending the Arbitration proceedings.

A.No.1560 of 2020 AND O.A.No.274 of 2020 :-

In the matter of Section 9 of
Arbitration Conciliation Act, 1996
and

In the matter of disputes between
M/s. RRB Energy Limited and

Veeraiyan Saraswathy Charitable Trust arising out of clause 3.6 & 3.9 R/W clause 6 of the Term Sheet dated 25.09.2019 and Sale Deed dated 22.11.2020 executed by and between the parties.

M/s.RRB Energy Ltd.,
rep. by its Head of Operations and
Service Mr.T.Sundaram,
'Devakota House', Old No.121/2,
New No.275, TTK Road,
Alwarpet, Chennai-600 018.

... Applicant/Applicant
(in both applications)

Vs.

The Veeraiyan Saraswathy Charitable Trust,
Represented by its Managing Trustee, Dr.N.M.Veeraiyan
162, Poonamallee High Road,
Velappanchavadi, Chennai - 600 077.

... Respondent/Respondent
(in both applications)

A.No.1560 of 2020:

Application praying that this Hon'ble Court be pleased to pass an order to direct the Respondent to allow the Applicant to take out the machineries, fixtures, furniture and other movable assets belonging to the Applicant, morefully described in the schedule below, presently lying in the property of the Respondent at the Door No.182/2, Bypass Road, Poonamallee, Chennai-600 056 and for this purpose allow the free and unhindered access of the men and materials of the Applicant with the aid of the Inspector of Police, Law and Order, Poonamallee.

O.A.274 of 2020:

Original Application praying that this Hon'ble Court be pleased to grant an order of exparte ad-interim temporary injunction restraining the respondent and its affiliates, successors in interest, men, servants, agents, representatives, subordinates or any other person claiming any right through them, from alienating or dealing in any manner whatsoever with the machineries, fixtures, furniture and other movable assets belonging to the applicant, morefully described in the below mentioned schedule, presently lying in the property of the respondent at Door No.182/2, Bypass Road, Poonamallee, Chennai-600 056.

A.Nos.1861of 2020:-

In the matter of the arbitration agreement between the Applicant and the Respondent dated 25.09.2019 and the dispute pertaining to the sale and handing over of the property and non-payment of arrears of rent by the Respondent.

Veeraiyan Saraswathy Charitable Trust,
Rep. by its Managing Trustee,
162, Poonamallee High Road,
Vellapanchavadi,
Chennai-600 077.

... Applicant

Vs.

RRB Energy Limited
Rep. by its Director,
Having Registered office at
GA1/B-1 Extension,
Mohan Co-operative Industrial Estate,
Mathura Road,
New Delhi - 110 044.

... Respondent

A.No.1861 of 2020:-

Application praying that this Hon'ble Court be pleased to direct the Respondent to furnish to the Applicant security for the sum of Rs.1,30,30,287/- (Rupees One Crore Thirty Lakhs Thirty Thousand Two Hundred and Eighty-Seven Only) by way of bank guarantee failing which grant an order of attachment of the schedule mentioned properties.

O.P.No.480 of 2020:

In the matter of the arbitration agreement between the petitioner and Respondent dated 25.09.2019 and the dispute pertaining to the sale and handing over of the property and non-payment of agreed liquidated damages, for the period of overstay by the Respondent.

Veeraiyan Saraswathy Charitable Trust,
Rep. by its Managing Trustee,
Dr.N.M.Veeraiyan,

No.162, Poonamallee High Road,
Vellapanchavadi,
Chennai-600 077.

... Applicant

Vs.

RRB Energy Limited
Rep. by its Director,
Having Registered office at
Devakota House,
Old No.121/2,
New No.275, TTK Road,
Alwarpet,
Chennai - 600 018

...Respondent

This original petition praying that this Hon'ble court be pleased to appoint a Sole Arbitrator to adjudicate the disputes between the parties arising out of the Terms Sheet dated 25.09.2019 and Sale Deed dated 22.11.2019.

These Applications, and Original Applications, and Original Petitions are coming on this day before this court for hearing the court made the following order:

The applicants in A.No.2170 of 2020 would submit that they are yet to remove the machineries and the time has expired. However, considering the compromise entered into between the parties, these

Applications are closed giving liberty to the applicants to work out their remedy with Veeraiyan Saraswathy Charitable Trust to remove the remaining machineries.

Sd/.P.T.A.J.
04.02.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU.09.02.2021 COURT OFFICER(O.S.)

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



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