



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 19TH DAY OF JANUARY 2021

THE HON'BLE MR. JUSTICE M.SUNDAR

O.P.No.981 of 2019

In the matter of Arbitration and
Conciliation Act, 1996

and

In the dispute relating to loan
agreement bearing No.
BLMSNRD0001915 and Arbitration
Award in Case no. SAP/ESFB/BL –
095/2019 dated 27.09.2019.

1. MVR Gas and MVR Chemicals and Oils

BV Sadanand Proprietor
No.801, 9th Main Road, 3rd Block
Koramangala, Bangalore - 560 034
Rep. by its Power Agent
Mr.G.Mahesh

2. Mr.B.V.Sadanand

S/o.M.Venkateshaswamy Reddy
No.801, 9th Main Road
3rd Block, Koramangala,
Bangalore - 560 034.

3. Mrs.S.L.Manjula

W/o.B.V.Sadanand
No.801, 9th Main Road
3rd Block, Koramangala
Bangalore - 560 034.

... Petitioners

vs.



and Equitas Finance Pvt. Ltd.,)
Spencer Plaza, 4th Floor
Phase II, No.769, Mount Road,
Anna Salai, Chennai-600 002
Tamil Nadu, India.

... Respondent

Original Petition praying that this Hon'ble Court be pleased to set aside the ex-parte award of the arbitrator passed in No.SAP/ESFB/BL-095/2019 dated 27.09.2019 against the petitioners.

This Original Petition alongwith O.P.No. 980 OF 2019 AND A.Nos. 9184 and 9749 of 2019, coming on this day before this court for hearing in the presence of Mr.Devasenathipathi, Advocate for the Petitioners herein and Mr.A.Damodaran, Advocate for the respondent herein and upon reading the petition and the award dated 27.09.2019 filed herein and the supporting affidavit of G.Mahesh, filed herein, and this court having observed that the lone ground that petitioners did not receive any communication from AT prior to interim and final awards i.e., impugned awards falls flat on its face, that ground fails without any speck of doubt as not one but three sets of communications have been duly received by each of the three petitioners at the addresses as shown in the captioned OPs prior to the receipt of impugned awards, and therefore, this Court has no difficulty in unhesitatingly coming to the conclusion that there is no violation or infact of the second limb of Section 34(2)(a)(iii) and before parting with this case, this Court deems it appropriate to observe that the



protagonists of applications assailing arbitral awards should be careful and responsible while raising grounds such as non-receipt of proper notice of arbitral proceedings as the entire exercise of requisitioning records and perusing the same was clearly avoidable in the case on hand as each of three petitioners have received 3 sets of communications prior to the impugned awards, notwithstanding this position they have ventured to predicate their challenge on the ground of no proper notice of arbitral proceedings by saying that they have not received any notice from AT prior to the receipt of the impugned award, owing to the nature of submission made by learned counsel for petitioners, this Court is not imposing costs in this case, but it need not be the same in days to come in cases of this nature, It is ordered as follows:

That the O.P.No.981 of 2019 be and is hereby dismissed.

2. That the connected applications be and are hereby closed.

3. That this court refrains itself from imposing costs.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
19th DAY OF JANUARY 2021.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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04.02.2021
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O.P.No.981 of 2019

ORDER :-

DATED: 19.01.2021

THE HON'BLE MR.JUSTICE
M.SUNDAR

FOR APPROVAL: 05.03.2021

APPROVED ON: 08.03.2021

Note:

Registry is directed to retain the records of AT along with envelope and covering letter from the Sole Arbitrator dated 27.01.2020 in a sealed envelope.