



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2021

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THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.17432 of 2021

and

WMP (MD) .No.14306 of 2021

J.Raja

... Petitioner

.Vs.

- 1.The Reserve Bank of India,
No.6, Sansad Marg,
Sansad Marg Area,
New Delhi-110 001.
- 2.The Axis Bank Limited,
Registered Office Arcot Plaza,
4th floor, New No.38/Old No.165,
Arcot Road, Kodambakkam,
Chennai - 600 024.
- 3.The Principal Secretary/
Transport Commissioner,
Chepauk, Chennai - 600 005.
- 4.The Registering Authority,
Regional Transport Office,
Coimbatore South, Coimbatore-641 018.
- 5.The Registering Authority,
Regional Transport Office,
Madurai North, Madurai - 625 020.
- 6.The Authorized Officer,
Registered Office,
FCA India Automobiles Limited,
Unit No.1601, 16th Floor,
The Capital Flat No.C-70, G Block.
Bandra Kurla Complex,
Bandra, Mumbai - 400 051.
- 7.The SR Transcars Private Limited,
1151 A, Mettupalayam Street,
Coimbatore - 641 012.

8.Mr.D.Aravindan.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned interim order A.C.P(AXIS-VL).No.85 of



2021 dated 19.08.2021 passed by the 8th respondent as not valid and void, under law and thereby quash the same as illegal.

For Petitioner : Mr.P.krishnasamy
For Respondents : Mr.P.Subbaraj,
Counsel for the State for R3 to R5

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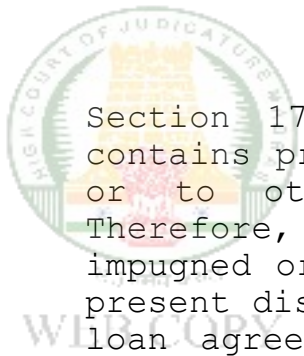
The petitioner challenges an interim order dated 19.08.2021 of the eighth respondent under Section 17 of the Arbitration and Conciliation Act, 1996.

2.The petitioner availed of a vehicle loan from the second respondent in relation to the purchase of a Jeep Compass vehicle bearing Chassis No.MCAAJPCY2JFA37477*7J. The petitioner states that the said vehicle was issued a temporary certificate of registration on 18.12.2018. Subsequent thereto, it is stated that a communication was issued by the third respondent to all the Regional Transport Officers and Motor Vehicle Inspectors in Tamil Nadu. By the said communication, the recipients of such communication were informed that no motor vehicle conforming to BS-IV shall be sold or registered in India with effect from 01.04.2020. Consequently, the recipients of said communication were informed that all such vehicles should be registered permanently on or before 31.03.2020. The petitioner states that his vehicle was not permanently registered on or before 31.03.2020. As such, he was put to a loss for which the dealer of the vehicle and the lender are responsible. In addition, it is submitted that a proceeding is pending before the Hon'ble Supreme Court with regard to the registration of BS-IV vehicles after 31.03.2020.

3. With regard to the arbitration agreement between the petitioner and the second respondent, the petitioner states that he was not provided a reasonable opportunity in relation to the appointment of the sole arbitrator. The petitioner relies upon a judgment of the Hon'ble Supreme Court in ***Perkins Eastman Architects DPC and Another Vs. HSCC (India) Ltd.*** in Arbitration Application No.32 of 2019, order dated 26.11.2019, to contend that the appointment of the eighth respondent as arbitrator is unlawful. The order of the eighth respondent dated 19.08.2021 is assailed on these grounds.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 3 to 5.

5.At the outset, it should be noted that the challenge is to an interim order of the eighth respondent under Section 17 of the Arbitration and Conciliation Act, 1996. In terms of Section 37(2) of the Arbitration and Conciliation Act, 1996, an appeal shall lie from an order granting or refusing to grant an interim measure under



Section 17. The said enactment is a complete code, which also contains provisions to challenge the jurisdiction of any arbitrator or to otherwise challenge the arbitrator in terms thereof. Therefore, the petitioner has a statutory remedy in respect of the impugned order and the arbitration proceedings. Even otherwise, the present dispute is a contractual dispute arising from and out of the loan agreement between the petitioner and the second respondent. Ordinarily, in judicial review, the Court does not interfere in such transactions and the aggrieved person is required to approach a jurisdictional civil court or resort to the contractual dispute resolution mechanism. In the case at hand, admittedly, there is an arbitration clause and arbitration proceedings were initiated in terms of such agreement.

6. For reasons set out above, the petitioner has completely failed to make out a case to interfere with the impugned order. Consequently, W.P.(MD).No.17432 of 2021 is dismissed without any order as to costs. It will be open to the petitioner to institute appropriate proceedings in accordance with Section 37(2) of the Arbitration and Conciliation Act, 1996, in case the petitioner intends to assail the impugned order. Consequently, connected W.M.P (MD).No.14306 of 2021 is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Principal Secretary/
Transport Commissioner,
Chepauk, Chennai - 600 005.
2. The Registering Authority,
Regional Transport Office,
Coimbatore South, Coimbatore-641 018.
3. The Registering Authority,
Regional Transport Office,
Madurai North, Madurai - 625 020.

+1 CC to M/s.SPL. GP (SR-30129[F] dated 24/09/2021)

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23.09.2021

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