

OD 21

IA NO. GA/1/2022
IN APO/26/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

GOBINDA CHANDRA DAS AND ANR.
Vs
MAHINDRA AND MAHINDRA FINANCIAL SERVICES LTD.

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date : 10th May, 2022.

Appearance:
Mr. Shyamal Chakraborty, Adv.
Mr. Jayanta Kumar Dhar, Adv.

Mr. Arnab Basu Mullick, Adv.

The Court: This is an application under Section 37 of the Arbitration and Conciliation Act against an order dated January 21, 2022 wherein the learned Arbitrator has directed as follows:

“IT IS THEREFORE ORDERED AS FOLLOWS:

1. This Tribunal orders the relief sought by the claimant and hereby directs the Claimant to take custody of the asset from the respondents and file a report to this Tribunal after taking inventory of the asset Registration No. WB19K2793 (Vehicle Make MAHINDRA FURIO 14 CBC 22) bearing Engine No. CDK4D96002 Chasis No. MA1EACDWDK6D73840 which is the subject matter of the Loan Agreement No. 6383541 dated 8/12/2019.
2. After seizing the vehicle, the Claimant is directed to take inventory of the said vehicle and keep it in safe custody and also value the

vehicle through a competent value and submit report along with Valuation Report to this Tribunal.

3. The Claimant is also authorized to approach the police department for any assistance to enforce this order, should the Claimant find any resistance from the respondents to execute this order.”

It further appears from the documents that this vehicle had already been seized seven days prior to passing of this order.

In light of the same, the order passed by the Arbitrator on January 21, 2022 was actually an infructuous order and is accordingly set aside.

Since the vehicle is in the possession of the lender/claimant, the petitioner herein is granted liberty to file a Section 17 application before the Arbitrator for appropriate relief including return of the vehicle to the claimant on terms that may be set by the Arbitrator.

With the above directions APO/26/2022 and GA/1/2022 are disposed of.

(SHEKHAR B. SARAF, J.)

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