

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 10TH DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE M. SUNDAR

O.P.No. 435 of 2021
and
A.No. 2015 of 2021
and
Arb.Appln.No. 29 of 2021

O.P.No. 435 of 2021 :-

In the matter of Arbitration and
Conciliation Act, 1996

and

In the matter of Loan Agreement
No.N009300402 / Bharat Benz-3128
dated 22.03.2019.

1. M/s.Coronation Infrastructure Pvt. Ltd.,
The Mira Corporate Suits,
E01 & 2, Ishwar Nagar, Srinivaspuri,
South Delhi, New Delhi - 110 065.
2. Mr.Ranjit Singh Atwal (M/58 years)
S/o.Sh.Surinder Singh Atwal,
A - 18, Niti Bagh, Andrewsganj,
South Ext - II, Delhi - 110 049,
New Delhi.
3. Mr.Surinder Singh Atwal,
S/o.Late G.S.Atwal,
A - 18, Niti Bagh, Andrewsganj,
South Ext - II, Delhi - 110 049,
New Delhi.

... Petitioners

- Vs -

1. Sundaram Finance Ltd.,
No.21, Patullos Road, Chennai - 600 002
Rep. by Mr.Sri Krishna, Senior Manager (Legal)
2. Mr.K.Balasubramanian (B.A.B.L.),
Retired District Judge and Retired Registrar General, High Court,
No.52/33A, Jeevan Bhima Nagar (LIC Colony),
Anna Nagar West Extension,
Chennai - 600 101.

... Respondents

Original Petition praying that this Hon'ble Court be pleased to pass an order :

(a) Declaring the mandate of the 2nd Respondent as the sole arbitrator is terminated in respect of the arbitration proceedings between the Petitioners and the 1st Respondent arising out of Loan Agreement No.N009300402 dated 22.03.2019.

(b) Directing the Respondents to pay the costs of these proceedings.

A.No. 2015 of 2021 :-

In the matter of Arbitration and
Conciliation Act, 1996
and

In the matter of Loan Agreement No :
N009300134 / Ford Endeavour dated
21.08.2018.

1. M/s.Coronation Infrastructure Pvt. Ltd.,
The Mira Corporate Suits,
E01 & 2, Ishwar Nagar, Srinivaspuri,
South Delhi, New Delhi - 110 065.

2. Mr.Ranjit Singh Atwal (M/58 years)
S/o.Sh.Surinder Singh Atwal,
A - 18, Niti Bagh, Andrewsganj,
South Ext - II, Delhi - 110 049,
New Delhi.

3. Mr.Surinder Singh Atwal,
S/o.Late G.S.Atwal,
A - 18, Niti Bagh, Andrewsganj,
South Ext - II, Delhi - 110 049,
New Delhi.

... Petitioners/Applicants

- Vs -

1. Sundaram Finance Ltd.,
No.21, Patullos Road, Chennai - 600 002
Rep. by Mr.Sri Krishna, Senior Manager (Legal)

2. Mr.K.Balasubramanian (B.A.B.L.),
Retired District Judge and Retired Registrar General, High Court,
No.52/33A, Jeevan Bhima Nagar (LIC Colony),
Anna Nagar West Extension,
Chennai - 600 101.

... Respondents/Respondents

Application praying that this Hon'ble Court be pleased to pass an order to stay all further proceedings now pending before the 2nd Respondent in respect of the arbitration proceedings between the Petitioners and the 1st Respondent arising out of Loan Agreement No.N009300134/Ford Endeavour pending disposal of the above O.P.

Arb.Appln.No. 29 of 2021 :-

In the matter of Arbitration and
Conciliation Act, 1996

and

In the matter of Arbitration of dispute
between – M/s. Sundaram Finance

Limited – and – M/s. Coronation
Infrastructure Pvt. Ltd and Others –
Loan Agreement No : N009300134;
dated 21.08.2018.

Sundaram Finance Ltd.,
No.21, Patullos Road, Chennai - 600 002
Rep. by its Assistant General Manager – Legal,
Mr. Aluru Sri Krishna.

... Applicant/1st Respondent

-Vs-

M/s. Coronation Infrastructure Pvt. Ltd.,
The Mira Corporate Suits,
E01 & 2, Ishwar Nagar, Srinivaspuri,
South Delhi,
New Delhi - 110 065.

... Respondent / 1st Petitioner / 1st Applicant

Arbitration Application praying that this Hon'ble Court be pleased to appoint Mr. A.N. Kasinath, Manager – ARC, of the applicant having office at Plot No-A/108, Second Floor, Banadev Bhawan, Saheed Nagar, Bhubaneswar – 751007, Odisha as the Receiver to take custody of the vehicle being FORD ENDEAVOUR bearing Chassis No: MAJAXXMRWAJL55480 fitted with Engine No: JL55480 and Registered as OD 02 AY 3011, from the respondent or wherever it is found and deliver it to the applicant with liberty to sell and to permit the advocate commissioner to obtain Police aid and to break open the premises within which the said vehicle are lying.

This Original Petition along with these applications coming on this day before this court for hearing in the presence of M/s. Deepika Murali, Advocate for the Petitioners in O.P.No.435 of 2021 and the applicants in A.No.2015 of 2021 and the respondent in Arb.Appln.No.29 of 2021, and Mr.R.Uma Shankar, For M/s. Sri and Sankar Associates (Law Firm) Advocates for the Respondents in O.P.No.435 of 2021 and A.No.2015 of 2021 and the applicant in Arb.Appln.No.29 of 2021, and upon reading the Judges Summons and the affidavit of Mr.Aluru Sri Krishna filed in Arb.Appln.No.29 of 2021, and the order dated 08/09/2021 made in A.Nos. 2012 to 2019 of 2021 in O.P.Nos. 424, 435 to 441 of 2021, and

It is ordered as follows :-

That the Hon'ble Mr. Justice T. Ravindran (Retd.), residing at New No.27, Old No.12, 3rd Avenue, Indira Nagar, Adyar, Chennai – 600 020 (Mob : 9941350926, 9444399700), a former Judge of this Court is nominated as Sole Arbitrator.

2. That the Hon'ble Arbitrator appointed herein, be and is hereby requested to enter upon reference, adjudicate qua disputes between the borrowers and Sundaram Finance Ltd., by holding sittings in the Madras High Court Arbitration and Conciliation Centre under the aegis of this Court (MHCAC).

3. That Sundaram Finance Ltd./the 1st applicant in O.P.No.435 of 2021 shall be at liberty to file applications with similar/same prayer/s as in these applications or any other prayer or present the same applications.

4. That if such a course is adopted by Sundaram Finance Ltd., Hon'ble Arbitrator appointed herein, shall consider those application/s as application/s made under Section 17 of A and C Act and deal with the same on their own merits and in accordance with law uninfluenced by any view or opinion expressed in this order.

5. That the arbitral proceedings shall be held in accordance with the Madras High Court Arbitration Proceedings Rules, 2017.

6. That the fees of Hon'ble Arbitrator appointed herein shall be as per Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrator's Fees) Rules 2017.

7. That there shall be no order as to costs.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 10TH DAY OF MARCH 2022.

Sd/-

ASSISTANT REGISTRAR (Comm Cases)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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

ED
28.03.2022

O.P.No. 435 of 2021
and
A.No. 2015 of 2021
and
Arb.Appln.No. 29 of 2021

ORDER

DATED : 10.03.2022

THE HON'BLE MR. JUSTICE
M. SUNDAR

FOR APPROVAL : 28.03.2022

APPROVED ON : 30.03.2022

Copy to :

1. The Hon'ble Mr. Justice T.Ravindran,
Judge (Retd.,) High Court of Madras,
Sole Arbitrator,
New No.27, Old No.12, 3rd Avenue,
Indira Nagar, Adyar,
Chennai – 600 020.
(Mob : 9941350926 , 9444399700)
2. The Director,
Tamil Nadu Mediation and Conciliation Centre,
cum - Ex Officio Member,
Madras High Court Arbitration Centre,
Madras High Court,
Chennai – 600 104.

(With Covering Letter)