



Arb.O.P.(Com.Div.)No.662 of 2022

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KRISHNAN RAMASAMY, J.,

Today, this matter is listed under the caption “For Being Mentioned”.

2. The learned counsel appearing for the respondent would submit that at paragraph Nos.2 and 3 of the order dated 13.06.2023 passed in the present original petition, it has been wrongly mentioned as Rs.23.80 Crores instead of 23.80 Lakhs. Therefore, he would request this Court to rectify the said typographical error and issue a fresh order copy.

3. Accordingly, paragraph Nos.2 and 3 of the said order is modified as follows:

“2.The only issue raised by the petitioners in the present Original Petition is that the vehicle was sold for a sum of **Rs.23.80 Lakhs**, according to the respondent. However, the respondent has not produced any evidence



to show that the vehicle was sold for a sum of **Rs.23.80 Lakhs**. Therefore, he would contend that without any evidence the learned Arbitrator passed this award and the same is liable to be set aside. That apart, he would submit that the respondent charged a sum of Rs.55,000/- towards the re-possession costs and a sum of Rs.37,030/- towards other expenses – Storage, Towing, Evaluation and Insurance. But, the respondent has not produced any evidence for the same, therefore, there is patent illegality in the award passed by the learned Arbitrator. Further, due accounts have not been provided by the respondent for payment of margin amount for purchasing the vehicle for a sum of Rs.13,43,450/-.

3.On the other hand, the learned counsel appearing for the respondent would submit that the vehicle was sold on 24.03.2020. Immediately after the sale of the vehicle for a sum of **Rs.23.80 Lakhs**, the said amount was directly credited to the loan account of the petitioners and thereafter due to Covid-19 pandemic, the respondent was not able to intimate the petitioner about the sale and the same was intimated on 23.10.2020, by way of legal notice, which has been marked as Ex.A7. Taking into



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consideration Ex.A3 to A7, the learned Arbitrator accepted the contention of the respondent and passed the Arbitral award. Therefore, he would submit that there is no patent illegality as contended by the learned counsel appearing for the petitioners.”

5. With regard to the remaining portion of the order, there is no need for any modification.

6. The Registry is directed to make necessary corrections in the Order and issue a fresh order copy.

14.07.2023

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