



A.No.1601 of 2024

Arb.Appln.No.1601 of 2024

WEB CO **C.SARAVANAN, J.**

The learned counsel for the applicant is present.

2. The applicant has obtained necessary permission from the learned Arbitrator to move this application.

3. The learned Arbitrator has also passed an order on 05.10.2023 in I.A.No.1 of 2023 in Arbitration Case No.218/2021.

4. Relevant portion of the aforesaid order reads as under:-

“7. After some arguments, the Counsel for the Respondents submitted that the apprehension of the Respondents is that if any of the employees of TVS are called to Court and subjected to examination, it may affect the ongoing business with the said Company. The Counsel for the Applicant fairly submitted that he is not interested in oral examination of anyone from TVS but is concerned only with the production of the documents/records sought for and that he would be satisfied with if the same are produced and copies handed over. The Counsel for the Respondent has also stated that as long as it is agreed that there will be no oral examination of such person producing records, he would have no objection to the records being produced.

8. The Tribunal is satisfied that the records sought for are essential for the purposes of determining the issues involved in the present case. Since the Respondents do not claim to have the records sought for, the only option available to the Applicant is to obtain the same from TVS. The reasons given by the Applicant, as set out above, for the requirement of these records are found to be satisfactory. In any event, the Respondent's counsel has expressed his no objection, provided the scope is limited to production of



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records and not oral examination of the person producing the records. Under such circumstances, the Application filed is liable to be allowed and the Applicant is permitted to seek the assistance of the Hon'ble High Court for issuance of a Subpoena to M/s.TVS Motor Co.Ltd., 29, Haddows Road, Jayalakshmi Estates, Chennai – 600 006, to produce before this Tribunal, the records sought for in the Application viz. (i) the respondents M/s.Balamurugan Transports ledger details of number of trucks used for loading and unloading of vehicle from the period April 2018 to till date, (ii) the ledger accounts of M/s.Balamurugan Transports pertaining to amount transactions from 01.09.2019 to till date and (iii) the details of bank account attached with the M/s.TVS Motors with that of the M/s.Balamurugan Transports.”

5. In view of the above, I see no impediment in allowing this application at the admission stage itself after dispensing with notice on the respondents.

6. Accordingly, Registry is directed to issue suitable subpoena summons to the respondents to produce the records before the learned Arbitrator by 15.04.2024 or such other day as may be fixed by the learned Arbitrator.

21.03.2024

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