



E.P.No.4 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

E.P.No.4 of 2024

Gagan Deep Kumar Rastogi

... Petitioner

Vs.

**1.Krishna Enterprises,
A Partnership Firm,
Having its Office at
New No.2, Vijayalakshmi Street,
Mahalingapuram, Nungambakkam,
Chennai – 600 034, Tamil Nadu.**

2.D.B.Ramachandar

3.Subhashini

4.Deepak

5.Deepthi

**6.SRM Energy Tamil Nadu Private Limited,
Formerly known as M/s.SRM Energy
Private Limited,
No.21, Basant Lok Complex,
Vasant Vihar, New Delhi – 110 057.**

... Respondents



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Prayer: Execution Petition is filed under Order XXI Rules 5 and 6 of the Code of Civil Procedure, 1908, praying to transmit the Arbitral Award dated 14.07.2016 as amended by the Additional Arbitral Award dated 23.08.2016 to the Special Court for Trial and Disposal of Commercial Disputes, City Civil Court at Hyderabad for execution against the property mentioned in the Schedule to the present Execution Petition.

For Petitioner : Mr.Arun Karthik Mohan

ORDER

Despite the names being printed in the Cause List after Notice was served on the respondents, there is no representation on their behalf.

2. This Execution Petition has been filed to transmit the Arbitral Award dated 14.07.2016 as amended by the Additional Arbitral Award dated 23.08.2016 to the Special Court of Trial and Disposal of Commercial Disputes, City Civil Court at Hyderabad as per Order XXI Rules 5 and 6 of the Code of Civil Procedure, 1908 against the property mentioned in the Schedule to the present Execution Petition.



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3. The petitioner herein is an assignee of an Award dated 14.07.2016 [as amended by Additional Award dated 23.08.2016] passed by the Arbitral Tribunal pursuant to Deed of Assignment dated 17.03.2017.

4. Earlier, E.P.No.23 of 2017 was filed to attach the property of R.Muthukrishnan since deceased, whose interest is represented by his Legal Representatives namely R3 to R5.

5. It appears that the property sought to be attached in E.P.No.23 of 2017 was already attached under Section 281 of the Income Tax Act, 1961. Meanwhile, the petitioner appears to have located yet another property of R1 to R5/Award Debtors in Cuddalore. Therefore, E.P.No.67 of 2018 was filed. E.P.No.67 of 2018 was later transferred to the Jurisdictional District Court (Principal District Court, Cuddalore) pursuant to order dated 18.09.2018.

6. The petitioner submits that since the properties/assets sought to be attached in E.P.No.67 of 2018 (since transferred to Jurisdictional



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District Court (Principal District Court at Cuddalore)) was not sufficient, the petitioner moved C.E.P.No.6 of 2021 before the City Civil Court at Hyderabad to attach another property of R2 D.B.Ramachandar.

7. It appears that the High Court for the State of Telangana has taken a view that without leave of this Court, C.E.P.No.6 of 2021 cannot be prosecuted. Hence, this execution petition (formal petition) has been filed.

8. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is allowed as prayed for.

9. Registry is directed to transmit the Arbitral Award dated 14.07.2016 as amended by the Additional Arbitral Award dated 23.08.2016 to the Special Court for Trial and Disposal of Commercial Disputes, City Civil Court at Hyderabad against the property mentioned in the Schedule to the present Execution Petition.



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10. The petitioner is directed to pay necessary charges for transmission of the above documents.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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C.SARAVANAN, J.

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