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W.P.Nos.28926, 28929, 28933, 28935, 28939, 28941 & 28942 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.28926, 28929, 28933, 28935, 28939, 28941 & 28942 of 2024

and

**W.M.P.Nos.31569, 31572, 31576, 31580, 31585, 31587 &
31588 of 2024**

W.P.No.28926 of 2024

Gunasundari

... Petitioner

Vs.

1.The Sale Officer,
Office of the Sale Officer,
The Repatriates Co-operative Finance & Development Bank Ltd.,
'Repco Tower', No.33,
North Usman Road, T.Nagar,
Chennai – 600 017.

2.The Central Registrar of Cooperative Societies,
Ministry of Cooperation,
Office of the Central Registrar of Cooperative Societies,
No.900, 9th Floor, Tower E,
World Trade Centre, Nauroji Nagar,
New Delhi – 110 029.

3.S.Sethuraman

4.The Repatriates Co-operative Finance & Development Bank Ltd.,



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'Repco Tower', No.33,
North Usman Road, T.Nagar,
Chennai – 600 017.

... Respondents

Prayer in W.P.No.28926 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned Demand Notice dated 12.09.2024 in Ref. ARC No.63/2022 on the file of the 1st respondent, quash the same and consequentially direct the 3rd respondent to furnish the Original or Certified Copy of the signed Arbitral Award dated 15.09.2023 in ARC No.63 of 2022 to the petitioner.

For Petitioner : Mr.Dinesh Ravi
(in all WPs)

For Respondents : Mr.A.Ilangovan [R1 & R4]
(in all WPs)

COMMON ORDER

Since the issue involved in these writ petitions is one and the same, with the consent of the learned counsel appearing for both sides, these writ petitions were heard together and disposed of by this common order.

2. Mr.A.Ilangovan, learned counsel, accepts notice on behalf of



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the respondents 1 and 4. In view of the consent expressed by both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner in the respective writ petitions are borrower, co-borrower and guarantor. For brevity, the petitioner in the respective writ petitions are hereinafter referred to as 'petitioners'.

4. The case of the petitioners is that, the 4th respondent, a Multi-State Cooperative Society registered under the Multi State Co-operative Societies Act, 2002 sanctioned a loan to the petitioner in W.P.No.28942 of 2024 as borrower and her sons and daughters, who are the petitioner in W.P.Nos.28929, 28933, 28935, 28939 & 28941 of 2024 as co-borrowers vide Loan Sanction Letter dated 16.10.2024 in LA No.HO065453 for a sum of Rs.80 lakhs @ 15% rate of interest repayable in 120 equated monthly instalments. The petitioner in W.P.No.28926 of 2024 stood as the guarantor for the loan and the said loan was secured by execution of mortgage of the property situated at No.59, VGP Layout 1st Part, 3rd Cross Street, Palavakkam, Chennai – 600 041 in favour of the 4th respondent



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bank as security. Thereafter, the 2nd respondent passed an order dated 28.10.2021 appointing the 3rd respondent as an Arbitrator for two years, on the request of the 4th respondent to arbitrate its disputes. An Arbitration was initiated in ARC No.63 of 2022 by the 4th respondent bank with the 3rd respondent as Arbitrator, without giving notice to the petitioners about the same, in contravention of Arbitration and Conciliation Act (in short 'the Act') and an *ex-parte* arbitral award dated 15.09.2023 was passed by the learned Arbitrator. The 3rd respondent failed to perform his obligatory duty u/s 31(5) of the Act to deliver a signed copy of the arbitral award to the petitioners. The petitioners aware of the contents of the arbitral award dated 15.09.2023 in ARC No.63 of 2022 only when the 1st respondent issued a letter dated 17.05.2024 to the petitioners calling upon to pay the award amount within 15 days, failing which, the said respondent shall execute the said arbitral award in ARC No.63 of 2022 and also enclosed a photocopy of the award. One of the co-borrowers, who is the petitioner in W.P.No.28941 of 2024 caused the issuance of a suitable reply dated 12.06.2024 to the 1st respondent highlighting all the illegalities and the unsustainability of the award for execution. Thereafter, impugned demand notice in Ref.ARC No.63/2022



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dated 12.09.2024 was issued to the petitioners, in which it is stated that the 1st respondent in receipt of application for Execution in E.P.No.9 of 2024 from the 4th respondent decree holder for execution of the arbitral award dated 15.09.2023 and called the judgement debtors to make payment of the aforesaid dues along with interest within 15 days of receipt of the said notice, failing which the property secured by way of mortgage would be brought for public auction. Challenging the same, the petitioners have filed the above writ petitions before this court.

5. Learned counsel for the petitioners submitted that the petitioners have not challenged the arbitral award passed in ARC No.63 of 2022 on the ground that the arbitral award was not furnished to them, enabling them to file a petition u/s 34 of the Act before the concerned forum. Accordingly, he prays for appropriate orders.

6. It is seen that the only grievance of the petitioners is that, the arbitral award was not furnished to them to workout their remedy in the manner to law. Considering the limited request sought for by the learned counsel appearing for the petitioners, this court, without interfering with



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the respective impugned order, directs the respondents 3 and 4 to furnish the arbitral award dated 15.09.2023 passed in ARC No.63 of 2022 to the petitioners, within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt of the same, the petitioners are at liberty to workout the remedy in the manner known to law.

7. With the above directions, these Writ Petition stand disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

30.09.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp



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M.DHANDAPANI, J.

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