



Arb.Appln.No.624 of 2023

Arbitration Application No.624 of 2023

WEB C **KRISHNAN RAMASAMY, J.**

This Application has been filed seeking for prohibitory order against the 4th Respondent Garnishee, prohibiting them from paying any amounts to the tune of Rs.33,44,57,682.23/- to the Respondents 1 to 3 and further direct the 4th Respondent/Garnishee to deposit the amount in a separate bank account.

2. The learned counsel for the applicant submitted that the applicant herein filed O.P.No.60 of 2021, under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of Arbitrator and this Court by order dated 24.08.2021 allowed the said O.P. and thereafter before the Arbitral Tribunal, the applicant herein filed an application under Section 17 of the Arbitration and Conciliation Act, 1996 seeking prohibitory order against the 4th Respondent/Garnishee restraining and prohibiting them from paying any amounts to the tune of Rs.33,44,57,682.23/- as on 17.09.2021 to the Respondents 1 to 3 and further direct the 4th Respondent/Garnishee to pay the said amount to the applicant and the said application was allowed on



06.12.2022, by directing the 4th Respondent to deposit the monthly rents in a separate bank account and thereafter on 17.08.2023, the Arbitral Tribunal passed its final Award by allowing the claim of the applicant herein along with 18% interest on the outstanding until repayment. He further submitted that since the said order was passed during the course of arbitral proceedings, the applicant herein apprehending that whether the order dated 06.12.2022, would apply subsequent to the passing of the award and thus has filed the aforesaid application.

3. When the matter was taken up on 19.02.2024, this Court passed the following order:

"Notice on all contesting respondents has been returned with an endorsement "left". Therefore, fresh notice is ordered on the respondents returnable in six weeks. Private notice is also permitted.

2. Meanwhile, the Garnishee fourth respondent has filed an counter indicating to deposit the rent into the Garnishee's Bank Account. Paragraph No.7 of the Affidavit reads as under:-

"7. With reference to the allegations in paragraphs 17, 18, 19 and 20. It is submitted that the 4th respondent is not willing to open a separate bank account for depositing rent amount instead, the rent amount can be deposited into an existing Axis Bank account, bearing Account



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No.923020010079074 Iskon Ambli Road GJ, Ahmedaban, 380 058 Branch and IFSC Code - UTIB0004512 as directed by the Hon'ble Tribunal, rather than opening a separate bank account.

3. In view of the above, there shall be a direction to the Garnishee fourth respondent to deposit the amount into the said account pending further order of this Court.

4. List this case after six weeks."

4. Today, when the matter is taken up for hearing it is submitted by the learned counsel for the 4th Respondent that they are depositing the rent amount in the existing Axis Bank Account as mentioned in paragraph 8 of the counter affidavit filed by them and will continue to pay until the satisfaction of the Award passed by the Arbitrator in favour of the Applicant.

5. Recording the aforesaid submission made by the learned counsel for the 4th Respondent, since no further orders are required, this application stands closed.

02.04.2024

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