



Arb.Appln.No.640 of 2023

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WEB COURT **C.SARAVANAN, J.**

Mr.A.R.Viswasam, learned counsel appearing on behalf of the respondent and seeks time to file vakalat and counter. It is however noticed that pursuant to order passed by this Court on 30.11.2023, the Advocate Commissioner has seized the equipments/assets from the custody of the respondent. The dispute between the applicant and the respondent is arbitrable in terms of Hire Purchase Agreement dated 12.10.2020.

2. Considering the same, I am of the view nothing further survives for adjudication in this application. The applicant is directed to work out further remedy before the arbitral proceedings. It is made clear that seized items shall not be disposed of without further orders of the learned Arbitrator. Therefore, the applicant is directed to initiate arbitral proceedings in accordance with the terms of Hire Purchase Agreement dated 12.10.2020 within a period of 30 days from today.



Arb.Appln.No.640 of 2023

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3. The learned Advocate Commissioner has filed a report dated 08.01.2024, wherein, it contains the details of the items seized from the custody of the respondent. Same is taken on record. The learned Advocate Commissioner has spent above three days for executing the warrant in Haryana. The learned Advocate Commissioner has sought for an additional remuneration for executing the warrant.

4. Recording the same, additional remuneration of Rs.30,000/- is ordered to be paid to the learned Advocate Commissioner. The learned counsel for the applicant is directed to ensure the additional remuneration is paid to the learned Advocate Commissioner within a period of two weeks from today.



Arb.Appln.No.640 of 2023

5. It is made clear, if arbitral proceedings are not commenced within a period of 30 days from the date of receipt of a copy of this order, the applicant shall re-deliver the seized items to the respondent. The seizure shall remain in valid for 90 days and shall be subject to further orders under Section 17 of the Arbitration and Conciliation Act, 1996.

6. This Arbitration Application stands disposed of with the above observations.

08.01.2024

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Arb.Appln.No.640 of 2023

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Arb.Appln.No.640 of 2023

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