

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
[COMMERCIAL DIVISION]

AP-COM/21/2025
TATA CAPITAL LIMITED
VS
PRIME MOVERS AUTO ASSOCIATES PVT. LTD. ORS.

BEFORE:
THE HON'BLE JUSTICE SHAMPA SARKAR
Date : 22nd January 2025.

APPEARANCE:

Mr. Swatarup Banerjee, Advocate
Mr. Avishek Guha, Advocate
Mr. Ankush Majumdar, Advocate
... for the petitioner.

Mr. Sanwal Tibrewal, Advocate
Ms. A. Parajita Rao, Advocate
Ms. Nabanita Dutta, Advocate
...for the respondents

The Court:- The affidavit of service is taken on record.

This is an application under Section 9 of the Arbitration and Conciliation Act, 1996. The petitioner prays for an injunction restraining the respondents from dealing with the properties described in paragraph 7 under Schedule-A of this application. The same is quoted below:-

SCHEDULE-A

<i>"Srl. No.</i>	<i>Property Description</i>	<i>Area of Land</i>	<i>Title Deed in the name of</i>
1.	<i>Office Space Being Unit no.301 on the 3rd Floor, at Northern Side, situated at Municipal premises no. 40A, CIT Scheme no. VIE also known as P 40 Princep Street, Kolkata – 700072</i>	<i>1037 Sq.ft</i>	<i>Prime Movers Auto Associates Private Limited</i>
2.	<i>Flat no. E-114, 11th floor, Tower no. E, situated in the lay out Plan of Complex known as Raheja's Navodaya and Sampada,</i>	<i>1100 Sq.ft</i>	<i>Auto Associates Private Limited</i>

Sector – 92, Gurgaon now known as Gurgaon along with proportionate rights in the land beneath, proportionate rights in common area and one car parking space no. UB-220 in Upper Basement in the Complex.”

The petitioner contends that a loan amount of about Rs.10 crore had been sanctioned in favour of the respondents. The respondents defaulted. The respondents issued cheques which were dishonoured as the accounts from which the cheques were issued were allegedly blocked. Ms. Rao, learned advocate for the respondents submits that the petitioner has already proceeded against the respondents under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [SARFAESI Act] and as a result, the respondents are, in any event, restrained by operation of law from dealing with properties involved. It is also submitted that the accounts from which the cheques have been issued were declared NPA and as such, the scope of operating those accounts also does not arise.

Upon such submissions, this Court does not find any further need to pass additional injunction on the properties, as stated hereinabove, as the injunction is already operating under the provisions of the SARFAESI Act.

The application is accordingly disposed of.

The petitioner is at liberty to take steps in accordance with the law under the Arbitration and Conciliation Act, 1996.

(SHAMPA SARKAR, J.)

