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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

Arb Appeal No. 65 of 2025

1. Sri Ram Colours,
No.3, 328, Vinayagar Kovil Street,
Erode -641 605.

2. D.Duraisamy

3. Selvaraj

Appellant(s)

Vs

1. Kotak Mahindra Bank Limited,
Having its Registered Office at 27BKC,
C-27, G-Block, Bandra Kurla Complex,
Bandra, Mumbai -400 051.
Having Branch Office at No.402-L,
Samson Tower, Pantheon Road,
Egmore, Chennai -600 008.

Respondent(s)

PRAYER

To set aside the Order dated 29.05.2025 passed in Arbitration Case Number SADR/CSS/KMBL/BL/ARB/L-06/204/2025, on the file of the Sole Arbitrator, set aside the same and thereby allow this appeal as prayed for and pass further suitable orders that may be deemed fit and proper in the circumstances of the case and thus render justice.



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For Appellant(s): Mr.K.Ramakrishnan

ORDER
(Order of the Court was made by S.M.Subramaniam J.)

Present arbitration appeal has been instituted challenging the interim order passed by sole arbitrator under Section 17 of The Arbitration and Conciliation Act, 1996.

2. Learned counsel for petitioner would submit that 1st respondent/claimant bank has already instituted a proceeding before Chief Judicial Magistrate, Calcutta in Complaint Case No.380530 of 2025, in respect of the very same claim, and said petition has been instituted after initiation of proceedings under Arbitration Act.

3. If so, appellant may place all the facts before Arbitrator for taking final decision. Grounds raised in this regard deserves to be considered by Arbitrator for passing appropriate final orders in the Arbitration proceedings already initiated based on the petition filed by 1st respondent/claimant.

4. As far as impugned interim order is concerned, in order to protect the interest of parties during pendency of arbitration proceedings, directions are issued, and in the opinion of this Court, said interim order is passed, in order



to maintain a balance between the claimant and opposite party. That being the factum, appellant is at liberty to place all the grounds before the arbitrator for final adjudication, and pass orders on merits in accordance with law as expeditiously as possible.

5. With the above observations, the Arbitration Appeal is dismissed. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)
02-12-2025

gd
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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