



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 880 of 2025

M/s Cholamandalam Investment and
Finance Company Limited
Chola Crest, C 54 and 55, Super B-4,
Thiru Vi Ka Industrial Estate, Guindy,
Chennai 600 032 represented by its
Authorised Signatory

Applicant

Vs

M/s Neepuna Manufacturing Solutions
Private Ltd., Ground Floor,
No.2, Kachohalli Industrial Area
Bylakonenahalli, Desanpura Hobli
Bangalore North, Bengaluru Rural
Karnataka 562 162

Respondent

PRAYER

To appoint an Advocate Commissioner to seize and take possession of the equipment to applicant which is morefully described in the Schedule to the Judges Summons which is lying in the custody of respondent or respondent's men, agents, servants from respondent premises or wherever found with Police aid and break open of premises if necessary.

For Applicant: Mr.D.Pradeep Kumar

For Respondent: Mr.M.Anand Kumar
Advocate Commissioner



ORDER

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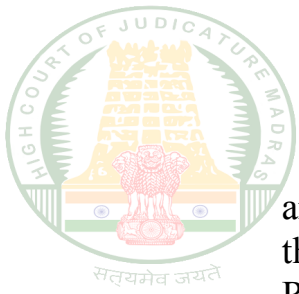
This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 for appointment of an Advocate Commissioner for seizing the equipment in the custody of the respondent, if necessary, with police protection and by breaking open the premises.

2. When this application came up for hearing on 14.07.2025, this Court passed the following order:-

“As directed by this Court, the applicant has initiated arbitration by issuing notice to the respondent on 07.07.2025 to comply with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996. The arbitration invocation notice dated 07.07.2025 is also placed on record by the learned counsel for the applicant.

2. This application has been filed under Section 9 of the Arbitration and Conciliation Act, seeking for appointment of an advocate commissioner to repossess the equipment from the respondent or wherever available. Earlier, the applicant had approached this Court by filing a similar application, seeking for appointment of an advocate commissioner and an advocate commissioner was also appointed by this Court and a direction was issued to the advocate commissioner to repossess the equipment from the respondent or wherever available. An attempt was made by the advocate commissioner to repossess the equipment. But, thereafter, the respondent approached the applicant and made some part payments. On account of the pre-payment made, the earlier application was closed. According to the applicant, the respondent has once again become a defaulter and as on date a sum of Rs.6,34,732/- is due and payable towards arrears of installments alone.

3. According to the applicant, as on date four installments



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are in arrears to the applicant. According to the applicant, the total outstanding amount payable by the respondent is Rs.50,59,463/-.

4. The applicant has already initiated arbitration in accordance with the arbitration clause by issuing notice to the respondent on 07.07.2025 to comply with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996. Under the agreement for loan dated 11.11.2022, the applicant is empowered to repossess the equipment from the respondent in case they commit default in the repayment of the loan. Documents have been filed along with this application, which will prima facie reveal that the respondent is a defaulter in the repayment of the loan. The loan has already been repaid by the applicant as seen from the legal notice filed as document along with this application. This Court, after giving due consideration to the contents of the affidavit filed in support of this application as well as the documents filed along with this application, is of the view that a prima facie case has been made out by the applicant for appointment of an advocate commissioner by this Court as prayed for in this application. However, in order to enable the respondent to run the equipment even after repossession by the advocate commissioner, this Court is putting the respondent on terms. According to the applicant, a sum of Rs.6,34,732/- is due and payable by the respondent to the applicant towards arrears of installments i.e., 4 installments have not been paid by the respondent to the applicant till date.

5. For the foregoing reasons, this Court issues the following directions:

a) K. Anandkumar, Advocate having address at No.1, Iyyappa Nagar, 5th Street, Maduravoyal, Chennai - 600 095 (Mob. No.90804 21828) is appointed as the advocate commissioner to re-posses the equipment morefully described in the schedule to the Judges Summons from the respondent's premises or wherever available;

b) The advocate commissioner after re-possessing the equipment, shall handover interim custody of the same to



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the applicant, who shall keep it in their safe custody;

c) The advocate commissioner, immediately after repossessing the subject equipment, shall intimate the respondent either through Registered Post with Acknowledgment Due (RPAD) or by hand delivery through a written communication, that the arrears of installments works out to Rs.6,34,732/-;

d) The respondent on payment of Rs.6,34,732/- to the applicant within a period of three days from the date when the subject equipment was repossessed, is entitled for return of the seized equipment, provided an undertaking is given by the respondent that the respondent shall pay the future installments on the due dates, without any default. On receipt of the sum of Rs.6,34,732/- within the stipulated time as stated supra, the applicant shall redeliver the subject equipment back to the respondent with proper acknowledgment and the advocate commissioner shall also render proper assistance for the same;

e) The applicant shall initiate arbitration in accordance with the arbitration agreement contained in the contract within a period of 90 days from today. In case, the applicant fails to initiate arbitration within the stipulated time, the order passed by this Court today shall stand automatically vacated and the re-possessed equipment shall also be redelivered back to the respondent by the applicant unconditionally;

f) In case, the advocate commissioner requires Police assistance due to any law and order problem or due to any obstruction caused by the respondent or by any third party, while re-possessing the equipment, the advocate commissioner is at liberty to seek police assistance from the concerned police station and the police department shall grant police protection accordingly. In case, break open of the premises, where the equipment is located, if required, the advocate commissioner shall break open the premises in the presence of the police and take an inventory and thereafter re-posses the equipment;



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g) The advocate commissioner shall be paid an initial remuneration of Rs.25,000/- and on receipt of the same, the advocate commissioner shall proceed to execute this order. All the boarding, lodging and travelling expenses for the advocate commissioner shall be borne by the applicant.

6. Notice to the respondent, returnable by 18.08.2025. Private Notice is also permitted. ”

3. The private notice sent to the respondent has been duly served and affidavit of service has also been filed. Though the respondent has been served, there is no appearance either in person or through counsel.

4. In view of the above, in the place of the Advocate Commissioner, Mr.Harish.T, Branch Receivables Manager is appointed as Receiver for seizing the subject equipment from the respondent or wherever it is found and by breaking open the premises, if required, with police aid.

5. This application stands disposed of in the above terms.

08-10-2025

SS

To

M/s Neepuna Manufacturing Solutions
Private Ltd., Ground Floor,
No.2, Kachohalli Industrial Area



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**N.ANAND
VENKATESH J.**

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