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Arb Appln No. 948 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 948 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(s)

Vs

M/s Master Roofing Rep by its
Managing Partner
Plot No.10A, Phase V,
IDA Cherlapally, Hyderabad,
Telangana 500 051

Respondent(s)

PRAYER

To appoint an Advocate Commissioner to seize and deliver the equipment to applicant which is more fully 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 Appicant(s): Mr.D.Pradeep Kumar



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For Respondent(s): Mr.R.Abdul Rahman
Advocate Commissioner

ORDER

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 16.07.2025, this Court passed the following order:-

“This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996, seeking for appointment of an Advocate Commissioner to seize and take possession of the asset/equipment morefully described in the schedule to the Judges Summons from the respondent or wherever it is available.

2. The applicant is a Non Banking Financial Institution. The applicant has lent money to the respondent under the Loan Agreement, dated 28.10.2021. The respondent is a defaulter in the repayment of the loan to the applicant. The Loan Agreement, dated 28.10.2021 contains an arbitration clause. In case of default, the applicant is empowered to repossess the asset/equipment from the respondent or wherever available. As on date, the respondent is in arrears of 10.87 installments, which works out to Rs.6,59,172/-. The applicant has also recalled the loan granted to the respondent through their loan recall notice, dated 13.06.2025. The statement of account has also been filed



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along with this application, which discloses that a sum of Rs.12,26,783/- is due and payable by the respondent, which includes the arrears of installments, future installments payable by the respondent, penal interest and other charges as per the terms and conditions of the Loan Agreement dated 28.10.2021. The applicant claims that they are having difficulty in repossessing the asset/equipment on their own. Only under those circumstances, they have filed this application seeking for appointment of an Advocate Commissioner to repossess the asset/equipment from the respondent or wherever available. The applicant has also expressed its willingness to go for arbitration in accordance with the arbitration clause contained in the contract, which is the subject matter of the dispute between the parties. 3. The applicant has made out a prima facie case for the appointment of an Advocate Commissioner by this Court to repossess the asset/equipment from the respondent or wherever available. The balance of convenience and irreparable hardship have also been established. Once the asset/equipment is repossessed by the Advocate Commissioner, to enable the respondent to use the asset/equipment once again, they must be put on terms for getting back the asset/equipment from the applicant after re-possession. In order to strike a balance, the following order is passed by this Court:

a)Mr. R. Abdul Rahman, Advocate, who is having office at No.319, (Old No.155), 4 th Floor, Linghi Chetty Street, Parrys, Chennai – 600 001, (Mobile No.9894216608) is appointed as the Advocate Commissioner to re-posses the asset/equipment morefully described in the schedule to the Judges Summons from the respondent or wherever available;



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b)The Advocate Commissioner is permitted to obtain the police aid whenever required and he is also permitted to break open the premises in case the asset/equipment is kept in a locked premises in the presence of the police after taking proper inventory.

c) On repossession of the subject asset/equipment, the Advocate Commissioner shall send a Communication to the respondent intimating that a sum of Rs.6,59,172/- is due and payable by the respondent to the applicant in respect of the aforesaid loan agreement.

d) On receipt of such intimation, the respondent shall pay the aforesaid amount within a period of three days from the date of receipt of a communication from the Advocate Commissioner and on payment of such sum, the applicant shall handover the asset/equipment back to the respondent and the Advocate Commissioner shall co-operate with the applicant 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 the date of receipt of a copy of this order. 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 repossessed asset/equipment shall also be redelivered back to the respondent by the applicant unconditionally;

f) The Advocate Commissioner shall be paid an initial remuneration of Rs.25,000/- by the applicant, within a period of one week from the date of receipt of a copy of this order. All the boarding, lodging and travelling expenses for the Advocate Commissioner shall be borne by the



applicant.

4. Notice to the respondent, returnable by 20.08.2025.

Private Notice is also permitted. Post the matter on 20.08.2025.”

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

4. It is brought to the notice of this Court that the equipment has not been seized and the learned Advocate Commissioner seeks for extension of the period of warrant.

5. In view of the above, in the place of the Advocate Commissioner, Mr.Sura Rajashekar, 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.

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

29-10-2025

SS



To

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1. M/s Master Roofing Rep by its
Managing Partner
Plot No.10A, Phase V,
IDA Cherlapally, Hyderabad,
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**N.ANAND
VENKATESH J.**

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