



WEB COPY

Arb Appln Nos. 1166 to
1168 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln Nos. 1166 to 1168 of 2025

M/s. HDB Financial Services Limited
Having one of its branch office at:
4th Floor, Loyal Towers,
No.68/2, Greams Road, Chennai 600 006
rep.by its Authorised Signatory
Mr.P.Saravanan

Applicant in all Arb Applns

Vs

1. Medikonda Constructions Private
Limited
represented by its Managing
Director
26-11-3330-1A Vedayapalem Nellore
Sri Potti Sriramulu
Nellore 524 003, Andhra Pradesh

2. Medikonda Padma Mohan
S/o Medikonda Venkaiah Naidu
26-11-3330-1A Vedayapalem Nellore
Sri Potti Sriramulu
Nellore 524 003, Andhra Pradesh

3. Medikonda Sneha
S/o Bodapati Sundara Babu
26-11-3330-1A Vedayapalem Nellore
Sri Potti Sriramulu
Nellore 524 003, Andhra Pradesh

Respondents in all Arb Applns

Arb Appln No. 1166 of 2025



PRAYER

To pass an order of appointment of an Advocate Commissioner to seize and deliver the “LARSAN AND TOUBRO-KOMATSU BULLDOZER MODEL D85ESS-2A” Construction Equipments bearing Machine Serial No.7154 available at the Respondent's premises or wherever found and permit the Advocate Commissioner to obtain police aid and to break open the premises.

Arb Appln No. 1167 of 2025

PRAYER

To pass an order of appointment of an Advocate Commissioner to seize and deliver the Asset “VOLVO FMX460 8X443RTP H1 20 3” Construction Equipments bearing Registration No.WB-39-C-1058 Engine No.2090119 and Chassis No.YV2XTY0G0N8970124L2A available at the Respondent's premises or wherever found and permit the Advocate Commissioner to obtain police aid and to break open the premises.

Arb Appln No. 1168 of 2025

PRAYER

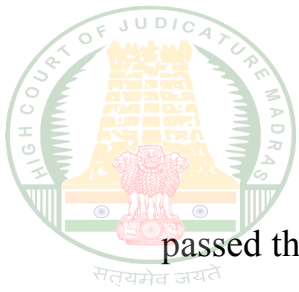
To pass an order of appointment of an Advocate Commissioner to seize and deliver the “VOLVO FMX460 8X443RTP H1 20 3” Construction Equipments bearing Registration No.WB-39-C-1123 Engine No.2090127 and Chassis No.YV2XTY0G2N8970125L24 available at the Respondent's premises or wherever found and permit the Advocate Commissioner to obtain police aid and to break open the premises.

For Applicant : Mr.M.Arunachalam

COMMON ORDER

These applications have been filed under Section 9 of the Arbitration and Conciliation Act, 1996 for appointment of Advocate Commissioner to seize the respective construction equipments which are in the custody of the respondents or wherever found, if necessary, with police protection and by breaking open the premises and deliver the same to the applicant.

2. When these applications came up for hearing on 21.08.2025, this Court

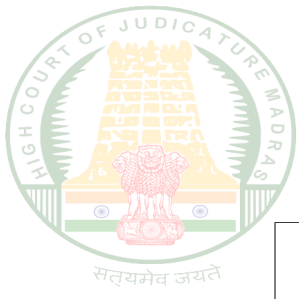


passed the following order:-

WEB COPY

“These applications have been filed under Section 9 of the Arbitration and Conciliation Act, seeking for the appointment of an Advocate Commissioner to repossess the equipments, morefully described in the schedule to the respective Judges Summons from the respondents or wherever available.

2.The respondents are defaulters in the repayment of the loan to the applicant. They have availed loan for the purchase of equipments. The equipments hypothecated to the applicant are morefully described in the schedule to the respective Judges Summons in these applications. Under the respective loan agreements, the applicant is empowered to re-possess the equipments from the respondents, in case they commit default in the repayment of the loan to the applicant. The respondents have committed default in the repayment of the loan. The applicant has expressed its difficulty in re-possessing the equipments on their own. Hence, they have filed these applications seeking for the appointment of an Advocate Commissioner to re-possess the equipments from the respondents or wherever available. The applicant has expressed its willingness to go for arbitration in accordance with the arbitration clause contained in the respective agreements in A.Nos.1167 & 1168 of 2025. The applicant is having the benefit of an Arbitral Award passed in their favour in respect of the contract, which is the subject matter of A.No.1166 of 2025. The applicant has filed the supporting documents along with these applications, which include a)Loan recall notices; b)Arbitral award passed in favour of the applicant, which is the subject matter of A.No.1166 of 2025; and c)Statement of accounts pertaining to the three loan contracts. The details of the amounts due and payable by the respondents to the applicant are furnished below:



WEB COPY

Arb Appln Nos. 1166 to
1168 of 2025



Arb Appln.Nos.	No.of installments due	Arrears of Installments (in Rs.)	Total outstanding amount (in Rs.)
1166 of 2025	7	4,56,900	49,60,105.83
1167 of 2025	7	3,27,767	35,14,486.78
1168 of 2025	7	3,27,767	35,21,948.97

3.This Court, after giving due consideration to the contents of the affidavit filed in support of these applications as well as the documents filed along with these applications, is of the considered view that a prima facie case has been made out by the applicant for the appointment of an Advocate Commissioner by this Court to re-possess the equipments from the respondents or wherever available. The balance of convenience and irreparable hardship have also been established by the applicant. However, in order to enable the respondents to get back possession of the equipments, once they are re-possessed by the Advocate Commissioner insofar as A.Nos.1167 & 1168 of 2025, this Court deems it fit to put the respondents on terms by directing the respondents to pay the arrears of installments due as on date under the respective contracts within a period of three days from the date when the Advocate Commissioner re-possess the equipments from the respondents or wherever available. Accordingly, the following directions are issued by this Court in all the applications:

a)Mr.C.Seethapathy, Advocate, having address at No.89, Kasturi Avenue, M.R.C.Nagar, R.A.Puram, Chennai - 600 028 (Mob. No.98408 85752) is appointed as the Advocate Commissioner to re-posses the equipments, morefully described in the schedule to the Judges Summons from the respondents from their premises or wherever available;

b)The Advocate Commissioner after re-possessing the equipments, shall handover interim custody of the same to the applicant, who shall keep it in their safe custody;

c)In case, the Advocate Commissioner requires Police assistance due to any law and order problem or due to any



WEB COPY

obstruction caused by the respondents or by any third party, while re-possessing the equipments, 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 equipments are located, is required, the Advocate Commissioner shall break open the premises in the presence of the police and take an inventory and thereafter re-posses the equipments;

d)The Advocate Commissioner shall be paid an initial remuneration of Rs.1,00,000/- 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.

In addition to the aforesaid directions, the following directions are also issued by this Court in A.Nos.1167 & 1168 of 2025:

a)The Advocate Commissioner, immediately after re-possessing the respective equipments, shall intimate the respondents either through Registered Post with Acknowledgment Due (RPAD) or by hand delivery through a written communication that they are in arrears of installments payable to the applicant;

b)The respondents, on payment of the respective arrears of installments, within a period of three days from the date when the respective equipments were re-possessed, are entitled for return of the seized respective equipments, provided an undertaking is given by the respondents that the respondents shall pay the future installments on the due dates, without any default. On receipt of the arrears of installments within the stipulated time as stated supra, the applicant shall re-deliver the respective equipments back to the respondents with proper acknowledgment and the Advocate Commissioner shall also render proper assistance for the same;



WEB COPY

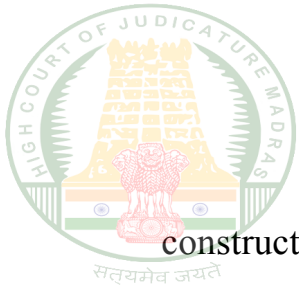
c)The applicant shall initiate arbitration in accordance with the arbitration agreement contained in the respective contracts within a period of 90 days from today. In case, the applicant fails to initiate arbitration within the stipulated time, the order passed by this Court today shall stand automatically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

Notice to the respondents returnable by 25.09.2025.
Private Notice is also permitted. ”

3. Private Notices have been served on the respondents and the affidavits of service have also been filed. Though the names of the respondents are printed in the cause list, there is no appearance either in person or through counsel.

4. It is brought to the notice of this Court that till date, the Advocate Commissioner is not able to seize the respective construction equipments and the applicant is in the process of finding out the whereabouts of the construction equipments.

5. It is clear from the above that the respondents have not chosen to appear before the Court and the whereabouts of the subject construction equipments are also not able to be ascertained. Hence the apprehension raised on the side of the applicant that the respondents are trying to secret the



construction equipments is prima facie established.

WEB COPY

6. Hence, in the place of the Advocate Commissioner, Mr. Shaik Mabuvali is appointed as Receiver for seizing the subject construction equipments from the respondents or wherever they are found and by breaking open the premises, if required, with police aid.

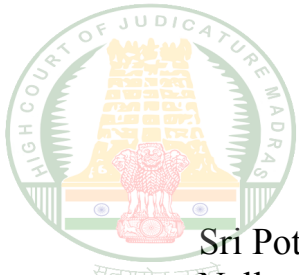
7. These applications are disposed of in the above terms.

08-10-2025

SS

To

1. Medikonda Constructions Private
Limited
represented by its Managing
Director
26-11-3330-1A Vedayapalem Nellore
Sri Potti Sriramulu
Nellore 524 003, Andhra Pradesh
2. Medikonda Padma Mohan
S/o Medikonda Venkaiah Naidu
26-11-3330-1A Vedayapalem Nellore
Sri Potti Sriramulu
Nellore 524 003, Andhra Pradesh
3. Medikonda Sneha
S/o Bodapati Sundara Babu
26-11-3330-1A Vedayapalem Nellore



Sri Potti Sriramulu

Nellore 524 003, Andhra Pradesh

WEB COPY

Arb Appln Nos. 1166 to
1168 of 2025





WEB COPY

Arb Appln Nos. 1166 to
1168 of 2025



**N.ANAND
VENKATESH J.**

SS

**Arb Appln Nos. 1166 to
1168 of 2025**

08-10-2025