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Arb Appln Nos. 1230 &
1241 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-10-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln Nos. 1230 & 1241 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 in both Arb Applns

Vs

M/s Pinku's Confectionery Rep by its
Proprietor Mr Anil Yadav
No.131, S R Compound, Lasudiya
Mori, Dewas Naka, A B Road, Indore,
Madhya Pradesh 453 771.

Respondent in both Arb Applns

Arb Appln No. 1230 of 2025

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.

Arb Appln No. 1241 of 2025



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 respondents 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: Ms.T.S.Jansirani
Advocate Commissioner

COMMON ORDER

These applications have been filed under Section 9 of the Arbitration and Conciliation Act, 1996 for appointment of Advocate Commissioner for seizing the equipment(s) in the custody of the respondent, if necessary, with police protection and by breaking open the premises.

2. When these applications came up for hearing on 26.08.2025, this Court passed the following order:-

“These applications have been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (in short “the Act”) seeking for appointment of an Advocate Commissioner to repossess the respective equipments morefully described in the schedule to the Judges Summons.

2. The respondents are the defaulters in the repayment of the loan to the applicant. Earlier, the applicant had filed an application under Section 9 of the Act seeking for appointment of an Advocate Commissioner to repossess the



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very same equipments, which are subject matter in these applications. This Court had also passed an order in favour of the applicant by appointing an Advocate Commissioner to repossess the equipments and handover the custody of the same to the applicant. However, the equipments could not be located and therefore, this Court had closed the said applications after recording the said fact.

3. Now, the applicant claims that the equipments are located and therefore, they have sought a relief as prayed for in these applications. The applicant has already initiated arbitration in accordance with the arbitration clause contained in both the contracts by issuing notice to the respondent to comply with the requirements of Section 21 of the Act.

4. Since the applicant was having the benefit of an order passed by this Court, by which, this Court had appointed an Advocate Commissioner to repossess the equipments and only due to the fact that the equipments were not located then, the earlier applications came to be closed, this Court is of the considered view that since the equipments are now located, the relief sought for by the applicant in these applications has to be granted by this Court. Accordingly, this Court is issuing the following directions:-

(a) Ms.T.S.Jansirani, Advocate, having office at No.364, New Additional Law Chamber, High Court Campus, Chennai-104, Mobile No.9361211230, is appointed as Advocate Commissioner to repossess the equipments morefully described in the schedule to the Judges Summons from the respondent or wherever it is available.

(b) The Advocate Commissioner is permitted to obtain the



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police aid whenever required and she is also permitted to break open the premises in case the equipments are kept in a locked premises in the presence of the police after taking proper inventory.

(c) On repossession of the subject equipments, the Advocate Commissioner shall send a communication to the respondent intimating that a sum of Rs.11,41,584/- and Rs.5,58,623/- respectively is due and payable towards the arrears of installment by the respondent to the applicant, in respect of the aforesaid loan agreements.

(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 equipments back to the respondent and the Advocate Commissioner shall cooperate with the applicant for the same.

(e) Since the applicant has already paid an initial remuneration to the Advocate Commissioner in Arb.Appln.Nos.375 and 379 of 2025, and since the very same Advocate Commissioner is appointed in these applications as well, this Court is not awarding any initial remuneration to the Advocate Commissioner in these applications.

(f) Notice to the respondent through Court as well as privately returnable by 07.10.2025.”

3. The private notice that was sent to the respondent has been returned with an endorsement “left”. Hence the apprehension of the applicant that the



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respondent is trying to secret the equipment(s) is prima facie established.

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

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

08-10-2025

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To

M/s Pinku's Confectionery Rep by its
Proprietor Mr Anil Yadav
No.131 S R Compound Lasudiya Mori
Dewas Naka, A B Road, Indore,
Madhya Pradesh 453 771.



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**N.ANAND
VENKATESH J.**



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