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Arb Appln No. 1248 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 1248 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 Arcstone Infrastructure Private
Limited
Plot No.05, Kharjul Mala,
SR.No.448/2, Chehadi Shiv, Maldhakka
Road, Nashik, Maharastra 422 101.

Respondent(s)

PRAYER

To appoint an Advocate Commissioner to seize and deliver the vehicle 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.



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For Applicant(s): Mr.D.Pradeep Kumar

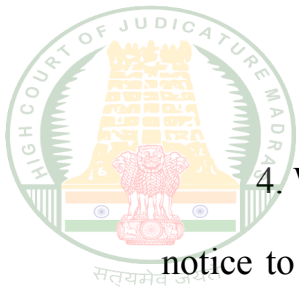
For Respondent(s): No appearance

ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 for appointment of an Advocate Commissioner to seize and deliver the vehicle to the applicant, lying in the custody of the respondent, if necessary, with police aid and by breaking open of premises.

2. The case of the applicant is that the respondent approached the applicant for vehicle loan and the financial facilities were availed by the respondent under a loan agreement dated 22.11.2023 for a sum of Rs.43,24,857/-. The loan amount is repayable in 48 monthly installments starting from 05.01.2024 upto 05.12.2027.

3. The respondent committed default in repayment of the loan amount. The applicant apprehended that the respondent will secret the vehicle and thereby deprive the applicant from recovering the amount from the respondent. This is in view of the fact that as on 15.08.2025, a sum of Rs.33,70,264.88 is due and payable by the respondent. A notice was also sent in this regard, but the respondent did not respond or repaid the amount due to the applicant.



4. When the matter came up for hearing on 01.09.2025, this Court ordered notice to the respondent. Accordingly, when the matter is taken up for hearing today, affidavit of service has been filed and the notice has been served on the respondent and his name is also printed in the cause list. In spite of the same, the respondent has not chosen to enter appearance either in person or through counsel.

5. The learned counsel for applicant submitted that the trigger notice under Section 21 of the Arbitration and Conciliation Act was given on 12.09.2025.

6. In the light of the above conduct on the part of the respondent, this Court finds that the applicant has made out a prima facie case. The balance of convenience is in favour of the applicant, since if the respondent ultimately does not repay the dues and knocks of the vehicle, the applicant will be left with no other option to recover the amount and whereas if the vehicle is seized, the respondent can always come and repay the dues and get back the vehicle. If the interim order is not passed in favour of the applicant, the applicant will be put to irreparable loss and hardship. In view of the same, this Court is inclined to appoint the Advocate Commissioner for the purpose of seizing the subject vehicle from the respondent and if required, with police aid.

7. In the light of the above discussion, Mr.Sachin Suryakant Dahatonde,



Regional Receivables Manager is appointed as Commissioner for seizing the subject vehicle from the respondent or the respondent's men, agents, servants, if required, with police aid.

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

15-09-2025

SS

To

1.M/s Arcstone Infrastructure Private
Limited
Plot No.05, Kharjul Mala, Sr.No.448/2,
Chehadi Shiv, Maldhakka Road,
Nashik, Maharastra 422 101.



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**N.ANAND
VENKATESH J.**

SS

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