



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2024

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

Arb Appln. 848 of 2024

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TATA CAPITAL LTD

TATA CAPITAL LTD BY ITS LEGAL MANAGER D.KALAI
ARASAN HAVING ITS OFFICE AT 1ST FLOOR CENTENNIAL
SQUARE 6A DR AMBEDKAR SALAI KODAMBAKKAM CHENNAI
600 024

APPELLANT(S)

Vs

SEEJA C R

PADINJARE, CHEMMANCHIYIL MEVELLOOR PO VELLOOR
KOTTAYAM 686 609. TATA CAPITAL LTD BY ITS LEGAL
MANAGER D.KALAI ARASAN HAVING ITS OFFICE AT 1ST
FLOOR CENTENNIAL SQUARE 6A DR AMBEDKAR SALAI
KODAMBAKKAM CHENNAI 600 024

RESPONDENT(S)

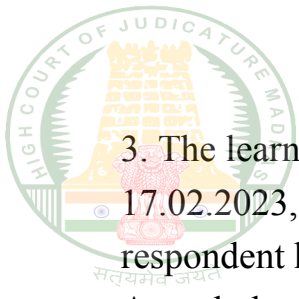
For Appellant(s):

M/S.N.K.VANAN

ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996, to pass an order Appointing Mr.Krishna Prasad Employee Code 707634 currently designated as Legal Manager in the Applicant company having his office Ground Floor, Jain Tower II NH 17 Ner Lulu Mall Edapally Cochin 682 024 as Receiver to seize and deliver the asset RENAULT DUSTER bearing Engine NO.K9K8796E079236 Chassis No.MEEHSRAWSE7068815 registered as KL03YS3448 situated at Padinjaemmanchiyil, Mevelloor, Kottayam 686 609 or wherever it is found more fully described hereunder, with police aid or break open the premises from wherever found and handover the same to the Applicant.

2. Heard Mr.N.K.Vanan, learned counsel for the Applicant.



3. The learned counsel for the applicant notified my attention to the Award dated 17.02.2023, which has been passed by the Sole Arbitrator, thereby directed the respondent herein is liable to pay the applicant a sum of Rs.8,39,984/-. Despite the Award, the respondent is not coming forward to pay any amount. Hence, the present application.

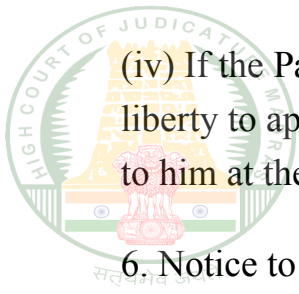
4. It is seen from the affidavit filed in support of the Application that an award has been passed, after initiation of proceedings under the Arbitration and Conciliation Act, 1996 and despite the said award having been passed on 17.02.2023, no notice of any appeal or proceedings under Section 34 have been brought to the notice of the Applicant Company. Hence, I am inclined to accept the request of the learned counsel for the Applicant seeking appointment of receiver.

5. Accordingly, this Application is ordered with the following directions:

(i) Mr.Krishna Prasad Employee Code 707634 currently designated as Legal Manager in the Applicant company having his office Ground Floor, Jain Tower II NH 17 Ner Lulu Mall Edapally Cochin 682 024 is appointed as Receiver to seize and deliver the asset RENAULT DUSTER bearing Engine NO.K9K8796E079236 Chassis No.MEEHSRAWSE7068815 registered as KL03YS3448 situated at Padinjaemmanchiyil, Mevelloor, Kottayam 686 609, with all accessories fitted to the asset from the respondent, or any place belonging to the respondent, or wherever found and with whomsoever it is found. Registry is directed to hand over the order to the learned counsel for the Applicant.

(ii) It is also made clear that if any police help is required, the Party Receiver shall make a request to the local police station within whose jurisdiction the asset is found and on such request being made, the Station House Officer shall send the Police Personnel along with the Party Receiver to seize the asset.

(iii) If break open of a lock is required the Party Receiver shall do so in the presence of the police personnel who will counter sign the record evidencing the break open of the lock and to re-lock the premises.



(iv) If the Party Receiver finds any difficulty with the jurisdictional police, he is liberty to approach Superintendent of Police, who shall provide all necessary assistance to him at the time of seizure of the said asset.

6. Notice to the respondent returnable by 07.01.2025. Private Notice is also permitted.

7. Post the matter on 07.01.2025 for filing a report of the Party Receiver.

10-12-2024

MN