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Arb Appln. 847 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2024

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

Arb Appln. 847 of 2024

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

JIJI K BABU

S/O.BABU P.KADAVIL HOUSE, THOLIKODE PO, PUNALUR,

KOLLAM 691 305.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

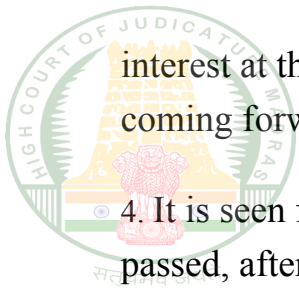
ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 to pass an order Appointing Mr.Athin Roy, Employee Code 394242 currently designated as Legal Officer in the Applicant Company having his office 1st Floor, Puthuran Plaza, KPCC Junction, M G Road, Cochin, Kerala 682 011 as Receiver as to seize and deliver the asset JCB JS 215 Excavator bearing Engine NO.84923511, Chassis No.PUNJD21AKL2937783 situated at Kadavil House, Tholikode, PO, Punalur Kollam 691 305 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 03.02.2023, which has been passed by the Sole Arbitrator, thereby directed the

respondents herein are liable to pay the applicant a sum of Rs.29,11,709/- together with



interest at the rate of 18% per annum. Despite the Award, the respondents are 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 03.02.2023, 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.Athin Roy, Employee Code 394242 currently designated as Legal Officer in the Applicant Company having his office 1st Floor, Puthuran Plaza, KPCC Junction, M G Road, Cochin, Kerala 682 011 is appointed as Receiver to seize and deliver the asset JCB JS 215 Excavator bearing Engine NO.84923511, Chassis No.PUNJD21AKL2937783 situated at Kadavil House, Tholicode, PO, Punalur Kollam 691 305, 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 at 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

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