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Arb Appln No. 1383 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

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THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

Arb Appln No.1383 of 2025

M/s.IndusInd Bank Ltd

Rep. by its Assistant Vice President A. Ganesh Kumar

Consumer Finance Division,

No. 34, G N Chetty Road, T Nagar, Chennai - 600017.

Applicant(s)

Vs

NKG Infrastructure Limited

II Floor, 204, Kailash Building, 26,

Kasturba Gandhi Marg,

New Delhi 110 001.

Also at 32 RDC, Raj Nagar, Ghaziabad,

Uttar Pradesh 201 001.

Respondent(s)

PRAYER

To pass an order of appointment of Gaurav Kumar Tyagi, ECN R09589, Chief Manager, Employee of the Applicant as a Receiver to seize and deliver the vehicle/machine SCHWING Stetter, SCHWING SPB 35 with accessories cpl 80004082 bearing EQ Serial No.811210000/ MFG SL No.253 to the custody of the Applicant, available at the Respondent premises or wherever found and with whomsoever it is found and permit the receiver to obtain Police aid and to break open the premises.

For Applicant(s): Ms.Meera Gnanasekar

ORDER



This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996, for appointment of a Receiver to seize the subject vehicle/machine in the custody of the respondent or wherever found, if necessary, with police protection and by breaking open the premises and deliver the same to the applicant.

N. ANAND VENKATESH, J.

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2. When the application came up for hearing on 23.10.2025, this Court, on carefully going through the averments made in the affidavit filed in support of the application, thought it fit to order notice to the respondent to ascertain as to whether the respondent will be willing to settle the dispute.

3. When the matter was taken up for hearing today, affidavit of service has been filed and it is seen that the private notice sent to the respondent has been duly served. Though the respondent has been served, there is no appearance either in person or through counsel. The whereabouts of the subject vehicle/machine is also not known. Hence, the apprehension of the applicant that the respondent is attempting to secret the construction equipment is *prima facie* established.

4. In view of the above, Mr. Gaurav Kumar Tyagi, Chief Manager of the Applicant, is appointed as Receiver for seizing the subject vehicle/machine



from the respondent or wherever it is found and by breaking open the premises,
if required, with police aid.

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This application is disposed of in the above terms.

01-12-2025

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To
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