



W.P.(MD) No.14032 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.14032 of 2025
and
W.M.P.(MD) No.10172 of 2025**

S.Mariselvam.

... Petitioner

Vs

1. The Director,
The State Bank of India
N.16, BSNL Buildings,
Aparna Complex, 7th Floor,
Near Sankara Nethralaya,
College Road, Greames Road,
Chennai 600 006.

2. The Director,
The Federal Bank,
5th Floor, Akshaya Shanti,
Anna Salai,
Chennai 600 002.

3. The Director,
The Indian Bank
No.254, 260, Near ADMK Office,
Avvai Shanmugam Salai,



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Royapettah,
(Near ADMK Office)
Chennai 600 014.

4. The Manager,
State Bank of India
Old Periyakulam Road,
Near Railway Station,
Theni Branch,
Theni District.

5. The Manager,
Federal Bank of India
No.176/10, APK Complex,
Cumbum Main Road,
Chinnamanur Branch,
Theni District.

6. The Manager,
Indian Bank,
No.176, 1st Floor,
Cumbum Main Road,
Chinnamanur Branch,
Theni District.

7. The Manager,
Equitas Small Finance Bank Limited,
Second Floor 9-1/1A, GV Complex,
Jawahar 2nd Street,
Opposite to ICICI Bank,
Bypass Road Branch,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for
issuance of Writ of Mandamus to direct the fourh respondent to de-freeze the



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petitioner's account which bearing no.30503014678 in IFSC- SBIN0000464 and to direct the fifth respondent to de-freeze the petitioner's account which bearing no 19210100050503 in IFSC-FDRL0001921 and to direct the sixth respondent to de-freeze the petitioner's account which bearing No.7899648196 in IFSC-IDIB000C1333 and to direct the respondent Nos.4 to 6 to grant compensation to the petitioner for the loss caused due to the freezing of the bank accounts.

For petitioner : Mr. V.Kishore Kumar

For respondents : Mr.C.Karthick for R3 and R6
Mr.P.Pethurajesh for R4
Mr.P.Gokulnaath for R5

ORDER

The petitioner is before this Court for de-freezing the account of the petitioner with the respondents 4 to 6 and for a direction to them to pay compensation to the petitioner for the loss allegedly caused to the petitioner on account of freezing of the account.

2. It is noticed that the account of the petitioner has been freezed pursuant to the interim order passed by the learned Arbitrator under Section 17 of the Arbitration and Conciliation Act, 1996 dated 22.08.2024 in I.A.No.2 of 2024 in

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Arbitration Case No.VP/ESFB/417/2024.

3. The learned counsel for the petitioner would submit that the aforesaid exercise by the learned Arbitrator resulting in freezing of the account of the petitioner with the respondents 4 to 6 is liable to be interfered with in terms of the decision of the Kerala High Court judgment rendered in ***K.N.Pradeep vs. The Station House Officer and another*** reported in ***CDJ 2016 Ker HC 351***. The specific reference was made to para 4 from the decision, which reads as under:

“4.The jurisdiction of this Court invoking power of Article 226 of the Constitution cannot be used directly to interfere with the interim order or award as the Arbitral Tribunal cannot be considered as a State within the meaning of Article 12 of the Constitution nor the award can be subjected to a judicial review. Further, the Arbitral Tribunal is not a Tribunal within the meaning of Tribunal as referred under Article 227 of the Constitution (See judgment of this Court in Daison v. Varghese Jose [2016 (1)KLT 612]. However, when an order/award issued by the Arbitral Tribunal impinges the fundamental rights of a citizen in the colour of exercise of the authority stemmed from the Statute certainly, this Court can step into, to restore the rights of the citizen to the limited extent to restore the right which has been taken away by enforcing of an order/award without any authority.”

4. That apart, the learned counsel for the petitioner also drew attention to the decision of the Hon'ble Supreme Court in ***Alka Chandewar vs. Shamshul***



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Ishrar Khan reported in **AIRONLINE 2017 SC 792** and submitted that the arbitrator has no power to enforce the award.

5. I have perused the decision of the Kerala High Court cited by the learned counsel for the petitioner and the above decision of the Hon'ble Supreme Court and the award passed by the learned Arbitrator is 22.08.2024. The aforesaid award is only an order passed under Section 17 of the Arbitration and Conciliation Act, 1996. The petitioner has an alternate remedy by way of appeal under Section 37(2)(b) of the Arbitration and Conciliation Act, 1996. The Section 37(2)(b) of the Arbitration and Conciliation Act, 1996, reads as under:

“37.Appealable orders:

(1) ...

(2)An appeal shall also lie to a Court from an order of the arbitral tribunal

(a) accepting the plea referred to in sub-section (2) or sub-section (3) of section 16; or

(b) granting or refusing to grant an interim measure under section 17.”

6. Therefore, the present Writ Petition is liable to be dismissed as the petitioner has an alternate remedy by way of appeal under Section 37(2)(b) of the Arbitration and Conciliation Act, 1996.



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7. Therefore, the present Writ Petition is liable to be dismissed. It is, accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
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C.SARAVANAN, J.

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