



Arbitration Application No.1526 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Application No.1526 of 2025

1. Tata Capital Ltd,
by its Associate Legal Remedial
R.Kamalakaran,
having its office at
1st Floor, Centennial Square,
6A , Dr Ambedkar Salai, Kodambakkam ,

.... Applicant

Vs.

Sree Thiru Traders
Rep.by its Proprietor,
Thiruvalluvar Street, 319,
Kamaraj Nagar, 2nd Street B B Kulam,
Madurai Near Anna Statue,
Madurai, Tamil Nadu 625 002.

.. Respondent

Arbitration Application under Order XIV Rule 8 of Original Side Rules r/w Section 9 (ii) (d) & (e) of the Arbitration and Conciliation Act, 1996, praying to appoint Mr.Kamalakaran currently designated as Associate Legal Remedial, in the Applicant company having his office First Floor, Centennial Square, Dr.Ambedkar Salai, Kodambakkam, Chennai Tamil Nadu 600 024 as Receiver to seize and deliver the Asset Excavator Tata Hitachi Construction Machinery Company Limited CEQ bearing Engine No.4SP2147967 Chassis No4SP2147967, Reg.No.NA



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situated at .Rep.by its Proprietor, Thiruvalluvar Street, 319, Kamaraj Nagar, 2nd Street B B Kulam, Madurai Near Anna Statue, Madurai, Tamil Nadu 625 002. or wherever it is found morefully described hereunder with police aid or break open the premises from wherever found and handover the same to the Applicant.

For Applicant : Mr.N.K. Vanan

ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 [for brevity 'the Act'] for appointment of a receiver to seize and deliver the Construction Equipment to the applicant, if required, with police aid.

2. The applicant extended financial facilities to the respondents. Since the respondents committed default, a recall notice dated 04.07.2025 was issued and in spite of receipt of the same, there was no response from respondents. It is under these circumstances, the present petition came to be filed before this Court.

3. When the application came up for hearing on 21.11.2025, this Court issued notice to respondent.



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4. Private notice has been served on the respondent and affidavit of service has also been filed. The name of respondent has also been printed in the cause list. However, the respondent neither present nor represented through counsel. Hence, the apprehension raised on the side of the applicant that the respondent is trying to secret the Construction Equipment is *prima facie* established.

5. In view of the above, Mr. Mr.Kamalakannan currently designated as Associate Legal Remedial is appointed as the Court receiver and the Court receiver is permitted to seize the Construction Equipment from the respondent or wherever it is found and by breaking open the premises, if required with police assistance.

This application stands disposed of in the above terms.

05.01.2026

msr



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N.ANAND VENKATESH, J.

msr

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