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Arbitration Application No.1621 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Application No.1621 of 2025

M/s.Hatsun Agro Products Ltd.,
represented by its Authorized Signatory
Mr.S.Syed Irfan,
Having Corporate office at
Plot No.14, TNHB,
TN Housing Board 'A' Road,
Sholinganallur, Chennai – 600 119.

.... Applicant

Vs.

M/s.Upaharika Enterprises,
represented by its Proprietor,
Mr.Sudhasatwa Sen,
Having office at
Plot No.B/97, Sector 9,
C.D.A (Bidanaasi),
Cuttack, Odisha – 753 014.

....Respondent

PRAYER

Arbitration Application filed under Order XIV Rule 8 of the O.S.Rules r/w Section 9(a)(b) of the Arbitration and Conciliation Act, 1996, praying to appoint an Advocate Commissioner to retrieve the assets mentioned in Schedule B and possession of the premises mentioned in Schedule A under the illegal custody of the respondent and hand over the same to the applicant within a time frame fixed by this Court.



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For Applicant : Mr.B.Leelesh Sundaram
for M/s.Nathan and Associates

ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 [for brevity 'the Act'] to retrieve the assets mentioned in Schedule B and possession of the premises mentioned in Schedule A and to hand over the same to the applicant.

2. The case of the applicant is that they entered into a distribution agreement with the respondent dated 23.03.2018. As per this agreement, the applicant has distributed certain equipments and also supplied milk products to the respondent, which were supposed to be sold by the respondent in his capacity as distributor. The further case of the applicant is that there was disruption in the distribution of milk products and the respondent caused breach of agreement. This resulted in the termination of the agreement during November'2024. The demand notice was also issued on 17.06.2025. Pursuant to the same, this application came to be filed before this Court seeking interim reliefs.



3. Notice was ordered to the respondent and the same has been served and affidavit of service has been filed. However, there is no appearance either in person or through counsel.

4. Heard learned counsel for applicant and carefully perused the materials available on record.

5. Considering the fact that the respondent has not chosen to enter appearance and contest this application, this Court is inclined to appoint Ms.A.Rajeswari, Advocate, No.160, Thambu Chetty Street, First Floor, Hussain Plaza, Chennai – 600 001 [97107 76780], as the Advocate Commissioner to retrieve the assets mentioned in mentioned in Schedule B and possession of the premises mentioned in Schedule A and to hand over the same to the applicant.

6. The Advocate Commissioner shall be paid an initial remuneration of Rs.25,000/- [Rupees Twenty Five Thousand only], within a period of one week from the date of receipt of a copy of this order. The expenses towards the travel and stay shall be defrayed by the applicant.



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N.ANAND VENKATESH, J.

gm

This application is disposed of in the above terms.

11.02.2026

Index:yes/no
NCC:yes/no
gm

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