

NOTICE FOR INVOCATION OF ARBITRATION

Date: 12th March, 2025

To,

M/s ORIENTAL AQUAMARINE BIOTECH INDIA PRIVATE LIMITED
U 7, Kovaipudur, Coimbatore – 641042, TN IN

Also,

M/s ORIENTAL AQUAMARINE BIOTECH INDIA PRIVATE LIMITED
Site No 7, Thiru.Vi. Street, Uzhaipalar Nagar, Urumandanpalayam, G.N.Mills Post
Coimbatore – 641029, TN IN

Also,

MS. USHA MOHAN, Director
No. U 7, Kovaipudur, Coimbatore – 641042, TN IN

Also,

MR. KRISHNAMURTHY MOHAN KANDASWAMY,
Managing Director & Personal Guarantor
No. U 7, Kovaipudur, Coimbatore – 641042, TN IN

Subject: Notice for invocation of Arbitration amounting to Rs. 66,85,798.08/-.

Dear Sir/Madam,

M/s Biotechnology Industry Research Assistance Council (hereinafter referred to as **BIRAC**) is a not-for-profit Section 8, Schedule B, Public Sector Enterprise, set up by Department of Biotechnology (hereinafter referred to as **DBT**), Ministry of Science & Technology, Government of India having its office at 5th Floor, NSIC Business Park, NSIC Bhawan, Okhla Industrial Estate, New Delhi – 110020 hereby serves this Notice for invocation of Arbitration upon you as stated here under:

1. That this is with regard to the Loan facility availed by **M/s Oriental Aquamarine Biotech India Private Limited** (hereinafter referred to as **Company**).



2. That Department of Biotechnology (DBT), Ministry of Science & Technology, Government of India has sanctioned: -
- a. **Project – 1:** A loan of **Rs. 30.72 Lakhs** vide Sanction Order dated 05/07/2007 for the project entitled **“Design modification and commercialization of nitrifying bioreactor technology for the establishment of organic recirculation prawn seed production system (Phase – II)”** (Ref. No. BT/04(SBIRI)/51/2005 - PID), and the terms of the loan were governed by the Agreement dated 05/07/2007 as entered by and between DBT and Company.
- b. **Project – 2:** A loan of **Rs. 45.00 Lakhs** vide Sanction Order dated 09/10/2012 for the project entitled **“Detailed Performance Evaluation and Accelerated Commercialization of the Nitrifying Bioreactor Technology in Indian Market”** (Ref No.: BT/SBIRI/754/9-B15/2011), and the terms of the loan were governed by the Agreement dated 09/10/2012 entered into between DBT and Company.
3. That Company has executed a Deed of Hypothecation dated 08/04/2009 vide Charge ID No. 10156054 for **Project – 1** amounting to Rs. 15,00,000.00 in favour of DBT and another Deed of Hypothecation dated 22/10/2012 vide Charge ID No. 10383746 for **Project – 2** amounting to Rs. 42,05,000.00 on 22/10/2012 in favour of Ministry of Science & Technology.
4. That to secure the said loan Personal Guarantee were executed by **Shri Mohan Kandaswamy**, with regards to the above-mentioned two projects. The Personal Guarantor Shri Mohan Kandaswamy should ensure timely repayment of the Outstanding Amount.
5. That BIRAC had sent the Recall Notice dated 23/05/2023 for **Project – 1**, the Recall Notice dated 27/09/2018 and Final Demand and Legal Notice dated 28/02/2020 for **Project – 2**, to which you have not responded yet. In the interest of justice, we are offering you another opportunity to repay the Loan Amount.



6. As on 31st March 2024, the below-mentioned Total Outstanding Amount inclusive of Interest Amount along with Additional Interest (which may vary on actual receipt of the fund) is due against the Company: -

(Amount in INR)

Project		Principal Outstanding Amount	Interest Amount	Additional Interest (which may vary on actual receipts of fund)	Total Outstanding
1st	BT/04(SBIRI)/51/2005 – PID	10,16,800.00	2,17,276.34	7,85,248.18	20,19,324.52
2nd	BT/SBIRI/754/9-B15/2011	31,00,000.00	3,81,521.23	11,84,952.33	46,66,473.56
Grand Total		41,16,800.00	5,98,797.57	19,70,200.51	66,85,798.08

7. That the Final Opportunity to repay your total Outstanding Amount of **Rs. 66,85,798.08/-** has already given.

BIRAC is now invoking **Arbitration** proceedings against the Company and Personal Guarantor as mutual consultation has been failed.

This issues with the approval of the Competent Authority.


Adv. Alka Sharma
Deputy Manager – Legal,
Biotechnology Industry Research Assistance Council (BIRAC)

