

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**COMMERCIAL ARBITRATION PETITION NO. 13 OF 2022
WITH
COMMERCIAL ARBITRATION PETITION NO. 14 OF 2022**

Tata Capital Financial Services Ltd. .. Petitioner
Vs.
Kunal Structure (India) Pvt. Ltd. & Ors. .. Respondents

Mr. Aseem Naphade a/w. Mr. Nikhil Mehta i/b. KMC Legal Venture for
the petitioner.
Mr. Vishwas Shah a/w. Akshay Shah, Mr. Raj Adhia for the respondents.

**CORAM : G.S. KULKARNI, J.
DATE : MAY 2, 2022.**

P.C.:

1. It is pointed out that the reliefs as prayed for in these Commercial Arbitration Petitions are in regard to the mortgage properties subject matter of the Mortgage Deed.
2. These petitions can be disposed of by continuing the ad-interim order dated 10 February, 2022 as passed by this Court, by which the respondents were directed not to create any third party right in respect of the mortgage properties. This order shall operate during the pendency of the arbitral proceedings or any earlier order passed by the arbitral tribunal on any interim application.
3. All contentions of the parties on merits of the disputes are expressly kept open to be agitated before the arbitral tribunal.
4. The petitions are accordingly disposed of. No costs.

[G.S. KULKARNI, J.]