

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO. 285 OF 2024

Aditya Birla Finance Ltd

...Petitioner

Versus

Madansinh Gunwatsinh Punvar

...Respondent

Ms Tikshita Modi, with Jenny Somaiya, i/b Akhil Modi & Associates, for
the Petitioner.

CORAM: ARIF S. DOCTOR, J

DATED: 1st October 2024

PC:-

SHEPHALI
SANJAY
MORMARE

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SHEPHALI
SANJAY
MORMARE
Date: 2024.10.05
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1. The present Petition is filed under Section 9 of the Arbitration and Conciliation Act 1996 out of Loan Agreement date 28th November 2022 entered into between the Petitioner and the Respondent. Ms Modi, Learned Counsel appearing on behalf of the Petitioner invites my attention to the Loan Recall and Invocation Notice dated 23rd February 2024. She points out that despite due receipt of the same, the Respondent has neither responded nor made payment of the amounts in default she also points out that the Respondent though served has not appeared today.

2. Having heard Ms Modi and upon perusing the record, I am satisfied that prima facie a case for a limited ad-interim relief is made

out. From a perusal of the record, I find that the Respondent is in breach of his obligation under the Loan Agreement. The Petitioner is therefore justified in invoking arbitration and seeking interim relief in view of a default which today is not disputed. Hence, there will be an order in terms of prayer clauses (a) and (b), which read as follows:

“(a) That pending the hearing and final disposal of this petition and arbitration proceedings, the Hon’ble Court be pleased to order and direct the Respondent, to file their respective comprehensive affidavit disclosing on oath the assets both movable and immovable held by them jointly and or severally including details of all bank accounts (with account numbers, Bank, Branch etc) and all the amounts lying in the Bank accounts, including accounts linked with PAN No. ANMPP8884A within a period of 2 weeks from the date of the order or within such time as this Hon’ble Court may deemed fit;

(b) That pending the hearing and final disposal of this petition and arbitration proceedings, the Hon’ble Court be pleased to order and direct the Respondent, to file their respective comprehensive affidavit disclosing on oath all debts and receivables payable by third parties to the borrower/s/Respondent with their precise and exact address within a period of 2 weeks from the date of the order or within such time as this Hon’ble Court may deemed fit.”

3. The Respondent to file Affidavit of Disclosure on or before 22nd October 2024.

4. List the matter on 12th November 2024.

5. Learned Advocate appearing for the Petitioner to serve a copy of this order on the Respondent.

(ARIF S. DOCTOR, J)