

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

COMMERCIAL ARBITRATION PETITION NO. 330 OF 2024

Tata Motors Finance Ltd

...Petitioners.

Versus

Tej Pal Choudhary

...Respondent

Mr Saurabh Oka, for the Petitioners.

CORAM: ARIF S. DOCTOR, J

DATED: 1st October 2024

PC:-

1. This Application is filed under Section 9 of the Arbitration and Conciliation Act 1996. Mr Oka submits that the Petitioner had entered into a Fuel Loan Agreement with the Respondent. He invites my attention to the said Fuel Loan Agreement and points out that the same contains an arbitration clause. He then submits that in view of the defaults made by the Respondent in repayment of the said Fuel Loan Agreement, the Petitioners were constrained to invoke arbitration and to issue notice dated 18th July 2024 for recall of the said loan. He further submits that the Respondent though served has not appeared today.

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2. After having heard Mr Oka as also perusing the record, I find that the Respondent is in breach of his obligation under the said Fuel Loan Agreement.

3. Hence, I find that the Petitioner has made out a case for the grant of an interim relief in terms of prayer clauses (a) and (d), which read as follows:

“(a) That this Hon’ble Court be pleased to direct the Respondent to disclose on oath, an affidavit disclosing his assets and properties, movable and immovable, and also including its specific location, also furnishing details of all their bank accounts with updated statements, ITR returns for past 3 years, of each account and also their investments in stock trading and shares any investment of any nature of the Respondent and also his interest and share therein, this Hon’ble Court also be pleased to attach these said bank accounts of the Respondent and issue directions to the concerned Banks not to allow withdrawals to the extent of all the amounts claimed by the Petitioner;

(d) That this Hon’ble Court be pleased to direct the Respondent to furnish security in such sum as this Hon’ble Court may deem fit and proper to the satisfaction of the Prothonotary and Senior Master of this Hon’ble Court to the extent of the amount due and payable by the Respondent.”

4. The Respondent to file his Affidavit of Disclosure within a period of two weeks from the date on which a copy of this order being served upon him by the Petitioner.
5. List the matter on 12th November 2024.

(ARIF S. DOCTOR, J)