

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION NO.373 OF 2024
WITH
COMMERCIAL ARBITRATION APPLICATION NO.198 OF 2024

Aditya Birla Housing Finance Limited	...Petitioner
Versus	
Rise Projects Pvt. Ltd.	...Respondent

Mr. Rohaan Cama a/w. *Mr. Mutahhar Khan, Mr. Vishal Maheshwari & Mr. Mihir Beradia i/b. VM Legal, Advocate for Petitioner.*

Ms Naira Jaejeebhoy a/w. *Ms Ragini Singh, Ms Sanjana Salvi & Mr. E. Mary Mathew i/b. Ragini Singh & Associates, Advocates for Respondent.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 26, 2025

PC :

1. Each party shall bring a crystallized note dealing with their specific contentions on the issue of territorial jurisdiction of this Court. In a nutshell, the underlying loan agreement is with one Niraj Choudhary in respect of whom, already an order granting ad-interim relief under Section 9 of the Arbitration and Conciliation Act, 1996 (*"the Act"*) has been passed by this Court on September 14, 2020.
2. The agreement under which these proceedings have been initiated is a tripartite agreement also involving Niraj Choudhary, but

which has an arbitration clause without an explicitly stated seat and venue of the arbitration.

3. The opposition from the Respondent is that considering that the clause is silent on the seat and venue, this Court would not have jurisdiction to entertain these proceedings.

4. It is evident that the agreement underlying these proceedings is linked to the agreement between the Petitioner and Niraj Choudhary. Consequently, it cannot be stated that it is totally unconnected and that the parties have come here merely on the premise of one of the parties having office here.

5. Be that as it may, arbitration being a creature of contract, it would be necessary to squarely deal with this issue one way or the other.

6. List for ***“Final Hearing”*** on the ***Supplementary Board*** on ***April 17, 2025***.

7. Each party shall have not more than 10 minutes for verbalizing their submissions, submitting a note which speaks for itself.

8. All actions required to be taken pursuant to this order, shall be taken upon receipt of a downloaded copy as available on this Court’s website.

[**SOMASEKHAR SUNDARESAN, J.**]