

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 289 OF 2024**

Aditya Birla Finance Limited .. Petitioner
Versus
Vivek Krishna .. Respondent

**WITH
ARBITRATION PETITION NO. 285 OF 2024**

Aditya Birla Finance Limited .. Petitioner
Versus
Madansinh Gunwantsinh Punvar .. Respondent

**WITH
ARBITRATION PETITION NO.183 OF 2025**

Aditya Birla Finance Limited .. Petitioner
Versus
R. Pandiammal .. Respondent

**WITH
ARBITRATION PETITION NO.284 OF 2024**

Aditya Birla Finance Limited .. Petitioner
Versus
Vineeta Teresa Job Thomas .. Respondent

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Adv. Jenny Somaiya i/b Tikshta Modi for the Petitioner.

CORAM: BHARATI DANGRE, J.
DATED : 13th NOVEMBER 2025

P.C:-

1. The four Arbitration Petitions listed at item no.45, filed under Section 9 of the Arbitration and Conciliation Act, 1996, (“the Act”), resulted in passing of interim orders in terms of prayer clause (a) and (b), as a case for grant of ad-interim relief was made out and it was noted that the respondent is in breach of the obligation under the Loan Agreement. The petitioner was therefore found justified in invoking arbitration and seeking interim relief in view of the default, which was not disputed.
2. The interim relief having been granted on 1/10/2024, when the petitions were listed before this Court on 22/09/2025, the following order was passed:-

*“1. This is a Petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (“**the Act**”).*

2. Despite interlocutory relief having been obtained under Section 9 of the Act, till date there is no sign of an application under Section 11 of the Act. Purely as a last chance, stand over to October 14, 2025 to examine if a Section 11 Application has been filed by that date, failing which the Petition would be liable to be disposed of.

3. 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.”

3. The learned counsel for the petitioner makes a statement that, till date, the application under Section 11 of the Act for

seeking appointment of the Arbitrator is not filed, though it is stated that the petitioner is in the process of filing the said application.

4. Section 9 of the Act of 1996, is a provision for grant of interim measures, before or during the arbitral proceedings, or at any time after the making of the arbitral award but before it is enforced, in accordance with Section 36. Sub-section (2) of Section 9 makes it evidently clear that where, before commencement of arbitral proceedings, a Court passes an order of any interim measure of protection under sub-section (1), the arbitral proceedings shall be commenced within a period of ninety days from the date of such order or within such further time as the Court may determine.

The interim order being granted on 1/10/2024, it was imperative for the petitioner to file an application under Section 11 of the Act, but having failed to do so, the interim relief deserves to be vacated, and even the petition filed under Section 9 of the Act, deserve disposal.

Needless to state, if it is still permissible in law for the petitioner to file an application under Section 11, for referring the dispute to arbitration, and the petitioner is at liberty to do so.

5. In light of the above, the petitions are dismissed. No order as to costs.

(SMT. BHARATI DANGRE, J.)