
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 290 OF 2024

Aditya Birla Finance Limited ...Petitioner

Versus

Jerath Path Labs ...Respondent

Ms. Tikshita Modi, Stephanie Pereira i/b Akhil Modi & Associates
for the Petitioner.

Appearance not received for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 2, 2025

PC :

1. This is a Petition under Section 9 of the Arbitration and Conciliation Act, 1996 (“***the Act***”) seeking interlocutory protective reliefs in connection with disputes and differences relating to an Agreement dated March 19, 2022 (“***Agreement***”). Clause 38 of the Agreement contains the arbitration clause, which, in the interest of brevity, is not extracted herein.

2. The Respondent has evidently committed a default in servicing the loan. It is seen from the record that a notice in this regard was issued on August 26, 2024. Learned Counsel for the Petitioner submits that the amount due under the Agreement, as claimed by the

Petitioner from the Respondent is to the tune of Rs. 48,13,627. It is seen from the record that this Petition has been served on the Respondent, but the Respondent has not entered appearance.

3. Learned Counsel for the Petitioner submits that there is an evident default, and despite issuance of a notice(s), there is no response at all, necessitating the protection of the subject-matter of the arbitration agreement. It is submitted that the subject-matter of the arbitration agreement runs the risk of being dissipated and denuded, rendering the very arbitration infructuous. Consequently, urgent interlocutory relief is sought.

4. Since despite notice, the Respondent has not appeared, Learned Counsel seeks reliefs sought in prayer clauses (a) and (c). A case has been made out for grant of *ad interim* reliefs, as moulded below. Such *ad interim* reliefs would apply pending the consideration of further interim relief by the Arbitral Tribunal that would be constituted in the matter:

a. That pending the hearing and final disposal of the arbitration proceedings, the Respondent and their agents or any person claiming under them be restrained by a temporary order and injunction of this Hon'ble Court from in any manner, directly or indirectly, dealing, selling, offering for sale, causing it to be offered for sale, transferring, causing to be transferred parting

with possession of, delivering, creating or causing to be created any third party rights in respect of their assets or properties in any manner, particularly the assets mentioned above at paragraph 10:

i. 14, Link Road, Jalandhar, Nakodar, Jalandhar, Punjab 144001, India

ii. H. No. 299/300, Eldeco Greens, Jalandhar, Nakodar Jalandhar, Punjab 144001, India

iii. #180, Street No. 4, Central Town, Jalandhar, Nakodar Jalandhar, Punjab 144001, India;

c. That the Hon'ble Court be pleased to order the attachment of the accounts of the respondent bearing "Account no. — 00000031860265843, Bank Name - State Bank of India in the name of Jerath Path Labs, Dr. Prashant Jerath" and "Account no. — 539601010050524, Bank Name - Union Bank of India in the name of Jerath Path Labs";

5. It is made clear that should the Respondent be desirous of varying, altering or vacating the *ad-interim* relief granted hereby, the Respondent may appear before the Arbitral Tribunal, and present its say.

6. Learned Counsel for the Petitioner undertakes that an application under Section 11 of the Act is yet to be filed but will be filed. Liberty to do so within a period of 30 days from the upload of this Order on this Court's website to enable time to invoke arbitration afresh and file the same. In these circumstances list this Petition along with the Section 11 Application after four weeks i.e. on ***April 30, 2025***.

7. 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.]