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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO. 30 OF 2025

TATA MOTORS FINANCE LIMITED

....Petitioner

Versus

KHETAN SINGH RAJPOOT
& ANR.

....Respondents

Mr. Gaurav Jangle a/w. *Prathmesh Mandhre i/b I.V. Merchant & Co., for
Petitioner.*

None for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : January 24, 2025

P. C.

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 January 28, 2022, containing an arbitration clause, which is annexed at Exhibit ‘B’ to the Petition, by which five commercial vehicles had been financed by the Petitioner. Clause 11 of the agreement contains the arbitration clause, which, in the interest of brevity, is not extracted herein.

2. Of these five commercial vehicles, loan agreements relating to two vehicles have been serviced and have been discharged. As regards the two other commercial vehicles that are sought to be covered by this Petition under Section 9 of the Act, their particulars are as follows:

<i>Sr. No.</i>	<i>Contract No</i>	<i>Contract date</i>	<i>Vehicle model</i>	<i>Registration No</i>	<i>Engine No.</i>	<i>Chassis No</i>	<i>Term</i>	<i>Amount financed</i>	<i>Foreclosure Amount as on 26- 07- 2024</i>
1.	5004611038	30-Nov-2023	LPT4830 COWL BSVI	MP15ZF8677	B62300D02132K64330143	MAT566013 PI K29150	46	5039929	5020988.45
2.	5004616277	21-Dec-2023	MHCVB ODY	MP15ZF8677	B62300D02132K64330143	MAT566013 PI K29150	36	250000	242236.62

3. It is seen from the record that owing to non-servicing of the indebtedness owed, loan recall notice dated July 27, 2024 was issued and was received by the Respondents on August 12 2024. A service affidavit is also being filed seeking to demonstrate that notice was issued to the Respondents. None appears for the Respondents today. Notice is issued to the Respondents in the matter when it had been scheduled to be listed on December 9, 2024.

4. Taking into account all facets of the matter, to adjust equities and to balance interest of the parties, ad-interim reliefs are hereby granted in terms of prayer clause 34(a) and (f), as moulded below, pending invocation and initiation of arbitration proceedings and until the Arbitral Tribunal is able to hear an application under Section 17 of the Act:

The Respondents are injuncted and restrained whether by themselves or through their servants, assigns, employees, agents, representatives, officers, or any other person/s claiming through or under them or under any instrument, whatsoever, from in any manner selling, alienating, transferring, parting with the possession of, encumbering, dealing with, disposing of or creating any third party rights or interest of whatsoever nature and in any manner whatsoever in respect of their hypothecated commercial vehicles tabulated above in this Order, and also in respect of movable and/or immovable properties/assets, or any portion thereof, directly and/or indirectly, belonging to Respondents;

The Respondents are directed to disclose the current and exact detailed location of the hypothecated vehicles on oath and to handover peaceful possession of the Hypothecated Vehicles to the Court Receiver, High Court, Bombay or any fit and proper person, at the predesignated place as may be fixed by this Hon'ble Court, with normal wear and tear at the cost and expenses of the Respondent as per the said Agreements.

5. The Respondents shall be at liberty to approach this Court to seek a variation, modification or vacation of the aforesaid order on the next date. Learned Counsel for the Petitioner submits that arbitration will be invoked on or before the next date, to enable the Arbitral Tribunal to take over the matter from that stage. With the aforesaid directions, list on **February 17, 2025**, under the caption, “**For Interim Relief-Section 9**”.

6. 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.]