
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO. 44 OF 2025

Digitally
signed by
SHRADDHA
KAMLESH
TALEKAR
Date:
2025.01.29
18:04:19
+0530

Tata Motors Finance Limited

....Petitioner

Versus

Anwar Yousf Sayed

....Respondent

Mr. Saurabh Oka, for Petitioner.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : January 22, 2025

P. C.

1. This Petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (***“the Act”***) seeking interim protection, pending invocation of arbitration in view of peculiar circumstances.

2. The subject matter of the dispute covered by this Petition had already been arbitrated upon, *ex parte*, and by a unilaterally-appointed arbitrator. Consequently, the Petitioner, on its own motion, has moved this Petition disregarding the arbitral award passed earlier.

3. Learned Counsel for the Petitioner submits that an Application under Section 11 of the Act is proposed to be filed, seeking appointment of an arbitrator.

4. It is seen from the record and the service affidavit submitted by the Petitioner, that the Respondents have indeed been served. The Petition pertains to an agreement dated July 27, 2018, by which a commercial vehicle has been financed.

5. The Petitioner has financed the vehicle listed at Exhibit 'C' to the Petition. It appears that owing to the loan account turning into a non-performing asset, arbitration was invoked under the said agreement, on February 3, 2022 & October 16, 2024. It is seen that this contract was covered by the earlier unilaterally appointed arbitrator's awards all dated January 31, 2022. The details of vehicle are as under:-

<u><i>Make/ Model Vehicles/ Registration No.</i></u>	<u><i>Engine No. and Chassis No.</i></u>	<u><i>Agreement/ Contract No.</i></u>
RANGE ROVER EVOQUE MH20EG0003	180418P0001204DTD SALVA2AN4JL922059	5002747713

6. Considering that service has indeed been effected, and given the nature of the facts pleaded in the Petition, as an *ad-interim* measure, protective reliefs as prayed for in the prayer-clause 39(a), (e), (g) & (h) as moulded below, are hereby granted:-

“The Respondent shall 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,

The Respondent shall disclose on oath, an affidavit disclosing his assets and properties, movable and immovable, and also including its specific location, also furnishing details of all his bank accounts with updated statements, ITR returns for past 3 years, of each account and also his investments in stock trading and shares any investment of any nature of the Respondent and also his interest and share therein.

The Respondent shall disclose the details of the location of the vehicle financed by the Petitioner.

The Court Receiver High Court shall be appointed as the Receiver of the vehicle listed in “Exhibit-C” and take possession of the same with all powers under Order XL of the Code of Civil Procedure 1908 with a direction to visit the place where the aforesaid assets are kept/ situated and take forcible physical possession of the said assets/properties from the Respondent after breaking open the locks and with the help of police, if necessary.

The Respondent is restrained by himself, his associates, servant or agents, from disposing of and/or alienating his rights, title and interest and/or parting with the possession with the vehicle mentioned in “Exhibit-C.”

7. Stand over to **February 4, 2025** under the caption **“For Interim Relief-Section 9”**.

8. Advocate for the Petitioner shall serve a copy of this order on the Respondent, highlighting that on the next date, the Petition would be taken up for final hearing and disposal. The Respondent shall be free to approach this Court to seek a variation or the vacation of the restraints imposed hereby.

9. It is expected that the Petitioner shall take appropriate steps regarding the proposed Application under Section 11 of the Act on or before the next date.

10. 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.]