

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION NO.468 OF 2024

Tata Motors Finance Limited	...Petitioner
Versus	
Amit Tiwari	...Respondent

Ms. Iraa Dube Patil a/w. Mr. Ramesh Dube Patil i/b Jay & Co. for the
Petitioner
[to check from file]

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 23, 2025

PC :

1. This is a Petition under Section 9 of the Arbitration and Conciliation Act, 1996 (*"the Act"*) seeking certain interlocutory reliefs in connection with six agreements between the Petitioner and the Respondent, four of which are dated October 28, 2023, and two of which are dated December 2, 2023.

2. Learned Counsel for the Petitioner points to the default arising in servicing of the loans covered by these six agreements and submits that Rs.1 crore is due and payable by the Respondent to the Petitioner. The details of the six vehicles in question are summarized in the table below:-

Sr. No.	Agreement No.	Vehicle Model	Engine No.	Chassis No.	Registration No.
1	800235826	LPT2518	51B63423985	MAT44 8022F2 R02778	WBI19 G6890
2	800235827	LPT2518	51863424262	MAT44 8022F2 B02866	WBI19 G6891
3	800235832	LPS4018	41G63385886	MAT44 7224E3 G15950	NL01L 4821
4	800235833	SIGNA4018	91E84879347	MAT44 7284K5 E09470	WB11 E5475
5	800241297	SIGNA4625 S	B6A250 D02112 G64162311	MAT44 7300M 2H10981	WB11 F1275
6	800241398	SIGNA4625 S	B6A250 D02112 G64162953	MAT44 7309M 2G10734	WB11 F1375

3. It is seen from the record that in August 2024, a notice for inspection of the vehicles was sent while in September 2024, a default notice was sent. Learned Counsel for the Petitioner submits that the Petitioner shall invoke arbitration within a period of 2 weeks from today. Consequently, she seeks interim relief pending commencement of arbitration.

4. It is also seen that these proceedings have indeed been served on the Respondent, and a notice for attending Court virtually also appears to have been sent by the Petitioner to the Respondent. In these circumstances, considering that a *prima facie* case of default has been made out, and the vehicles being in a different state, without the right to inspect being honoured, a case for grant of *ad-interim* relief has been made out.

5. Learned Counsel for the Petitioner prays for reliefs in terms of prayer clauses (b), (c), and (d), which, as moulded below, is hereby granted, pending the initiation and hearing of an application under Section 17 of the Act by the Arbitral Tribunal to be constituted:-

The Respondent by himself, officers, employees, servants and/or agents or otherwise howsoever, is restrained by an order and injunction, from in any manner dealing with, selling, transferring, disposing of, or alienating or encumbering or hypothecating or charging or parting with possession of or transferring or creating any right, title or interest or license in favor of anyone else in respect of the hypothecated vehicles, as more particularly described in the table above, and also to disclose their current location and whereabouts;

The Court Receiver of this Court is hereby appointed as Receiver of the said hypothecated Vehicles as more particularly described in the table above, with all powers under Order XL, Rule 1 of the Code of Civil Procedure, 1908, with a direction to the Respondent to hand over peaceful possession of the said hypothecated vehicles to the Court Receiver; and

The Kohima RTO, Nagaland and Howrah RTO, West Bengal shall flag and black-list the aforesaid hypothecated vehicles as more particularly described in the table above and not register any transfer or creation of any security interest over the said vehicles.

6. With the aforesaid directions, stand over to ***February 13, 2025*** for further consideration. On that date it would be expected that the Learned Counsel for the Petitioner would apprise the Court about status of invoking arbitration proceedings.

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.]