
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO. 468 OF 2024
WITH
COMMERCIAL ARBITRATION APPLICATION (L) NO. 3540 OF 2025

Tata Motors Finance Limited ...Petitioner

Versus

Amit Tiwari ...Respondent

Mr. Ashish Gabhale *i/b. Jay & Co. for the Petitioner.*

Appearance not received for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 29, 2025

PC :

1. This Petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (***“the Act”***), seeking appointment of an arbitrator in connection with disputes and differences that are said to have arisen between the parties under an agreements dated October 28, 2023, December 2, 2023 and May 23, 2023. The arbitration agreement is contained in Clauses 23 and 14 (found at Pages 23 and 113 of the Petition). In the interest of brevity, the arbitration agreement is not

being extracted here. Suffice it to say that this matter falls within the jurisdiction of this Court.

2. Having examined the report of the Court Receiver dated March 13, 2025, it would be appropriate to direct forcible possession of the secured property which the Court Receiver shall be entitled to take pursuant to this order. It would also be appropriate to direct debit freeze on the bank account mentioned in prayer clause (h) held with ICICI Bank Ltd. to the extent of amounts claimed by the Petitioner.

3. With the aforesaid directions, it would also be appropriate to dispose of this Petition and the Application under Section 11, by appointing an arbitrator and referring all disputes and differences covered by the Agreement in question in dispute resolution by the arbitrator.

4. This Section 11 Application is disposed of in the following terms:-

- a) ADReS Now, an independent online dispute resolution institution is directed to appoint a sole arbitrator to adjudicate upon the disputes and

differences between the parties arising out of and in connection with the Agreement referred to above;

- b) The contact particulars of the Registrar, ADReS Now are set out below:-

Email id : registry@adresnow.com

Address: 63, Palace Road, Vasanthnagar,
Bengaluru, 560001.

Website: www.adresnow.com

- c) A copy of this Order will be communicated to ADReS Now by the Advocates for the Petitioner within a period of one week from the date on which this order is uploaded on the website of this Court. The Petitioner shall provide the contact and communication particulars of the parties to ADReS Now along with a copy of this Order;

- d) It is clarified that ADReS Now being an ODR institution, all proceedings will be conducted online through electronic mode, unless otherwise agreed between the appointed Arbitrator and the parties,

with appropriate notification to the Registry of ADReS

Now;

- e) The Registry of ADReS Now is requested to appoint an independent arbitrator in compliance with the Act and its own rules consistent with the Act as soon as possible and in any event within a period of two weeks from receipt of a copy of this Order;
- f) The parties shall provide a valid and functional email address along with mobile and landline numbers of the respective Advocates of the parties to the Registry of ADReS Now and any other particulars as reasonably requested by the Registry. Communications to such email addresses shall constitute valid service of correspondence in connection with the arbitration;
- g) All arbitral costs and fees of the arbitration shall be borne by the parties equally in the first instance, and shall be subject to any final Award that may be passed by the Tribunal in relation to costs; and

h) The seat of the arbitration shall be deemed to be the same as the seat discernible from the Agreement while the arbitration shall primarily be conducted online.

5. As regards the Section 9 Petition after taking the forcible possession of the vehicles as permitted today, the possession of the vehicle shall be handed over to the Petitioner. The Petitioner shall depute appropriate personnel to take possession of the same from the Court Receiver on an as-is-where-is basis at the site of taking possession. Once the Court Receiver has taken possession pursuant to this order and handed over the property to the Petitioner, the Court Receiver shall stand discharged, subject to payment of fees by the Petitioner, in terms of the Rules.

6. Any directions for disposal may only be given by the arbitral tribunal pending which the Respondent shall keep the vehicle so possessed in its possession. Liberty to apply to the arbitral tribunal for further instructions in this regard. Once possession is taken and handed over to the Petitioner,

7. Both the Section 9 Petition and Section 11 Application are hereby ***finally disposed of*** in the aforesaid terms.

8. Needless to say, nothing contained in this order is an expression of an opinion on merits of the matter or the relative strength of the parties. All issues on merits are expressly kept open to be agitated before the arbitral tribunal appointed hereby.

9. 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.]