

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO. 476 OF 2024

Tradearch Market Platform	Petitioner
V/S	
Indo Baltic Pte Ltd. & Ors.	Respondents

Ms.Hiral Thakkar a/w Anuj Jhaveri, Ritik Sinha i/b Anuj Dhaveri for the Petitioner.

Mr.Rahul Soman a/w Suyash More i/b Sakshi Mane for Rajeev Sawant Associates for Respondents.

CORAM : BHARATI DANGRE, J.

DATE : 27th NOVEMBER, 2025.

P.C.

1 The Profit Sharing Agreement dated 29/08/2022 is the cause of disputes that have arisen between the Parties, in the wake of the Agreement for Conduct of Business in agricultural commodities in international market including import and export of the same from Benin to India and other potential markets. The Petitioner vide Purchase Order dated 28/10/2022 had placed an order of 264 MTS of black eye beans to be imported through a shipping agency engaged by Respondents.

It is the claim of the Petitioner that Respondent No.1 raised three invoices and under the same an amount of 2,04,600/- USD i.e. Rs.1,66,60,168 has been remitted by the Petitioner. However, the Petitioner never received the assured goods and, therefore, by filing a Petition under Section 9 of the Arbitration and Conciliation Act, 1996, a disclosure has been sought by the Petitioner at the end of the Respondents as according to the Petitioner, the Respondents have violated the provisions in the Agreement and have failed to deliver the consignment and misappropriated the funds transferred for the same.

2. The Respondents have filed an Affidavit, categorically adopting a stand that the consignment itself is not received by the Respondents and rather the consignment was marked in favour of one KBS Impex and that the Respondents are in the process of filing appropriate civil proceedings for recovery of money and damages from the exporter.

3. In any case, the dispute has arisen between the Parties when the goods were not received in November, 2022 and the Petitioner is informed to have already invoked arbitration and has sought appointment of an Arbitrator by filings the proceedings before the Hon'ble Apex Court, which are pending.

4. Since at this stage, I do not see any exigency to consider the request for grant of interim measure in Section 9 Petition pending arbitration proceedings and till its disposal, since the goods were supposed to be delivered in the month of November, 2022 and having not been received, the Petitioner has also maintained stoic silence until it filed Arbitration Petition in the year 2024 and even Section 11 Petition is filed thereafter. In my considered opinion, there is no emergent and pressing situation warranting grant of the reliefs as prayed for.

Upon appointment of an Arbitrator, the reliefs can be sought before the Arbitral Tribunal.

In the wake of aforesaid, Arbitration Petition stands disposed off.

[BHARATI DANGRE, J]