

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

SHRADDHA
KAMLESH
TALEKAR

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Date: 2025.04.24
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Commercial Arbitration Petition NO. 485 OF 2024

Tata Motors Finance Limited ...Petitioner(s)
Versus
Harendra Singh & Ors. ...Respondent(s)

With

Commercial Arbitration Petition No. 378 OF 2024

Tata Motors Finance Limited ...Petitioner(s)
Versus
Swapan Kumar Mondal ...Respondent(s)

With

Commercial Arbitration Petition NO. 471 OF 2024

Tata Motors Finance Limited ...Petitioner(s)
Versus
J R Transport ...Respondent(s)

With

Commercial Arbitration Petition NO. 782 OF 2024

Tata Motors Finance Limited ...Petitioner(s)
Versus
Narindera Stone Crusher ... Respondent(s)

WITH

Commercial Arbitration Petition NO. 457 OF 2024

Tata Motors Finance Limited ...Petitioner(s)
Versus
Sarfaraz Hossain ...Respondent(s)

WITH

Commercial Arbitration Petition NO. 43 OF 2025

Tata Motors Finance Limited ...Petitioner(s)
Versus
Karan Petrochem LLP ...Respondent(s)

WITH

Commercial Arbitration Petition NO. 24 OF 2025

Tata Motors Finance Limited	...Petitioner(s)
Versus	
Majid Transport Co	...Respondent(s)
WITH	
Commercial Arbitration Petition (L) NO. 32137 OF 2024	
Tata Motors Finance Limited	...Petitioner(s)
Versus	
M/s Shiv Shakti Enterprises	...Respondent(s)
WITH	
Commercial Arbitration Petition (L) NO. 38546 OF 2024	
Tata Motors Finance	...Petitioner(s)
Versus	
Vansa Logistics Pvt Ltd	...Respondent(s)

Mr. Gaurav Jangle a/w Mr. Prathamesh Mandhrei/b I.V. Merchant & Co.
for Petitioner(s).
None for Respondent(s).

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : April 7, 2025

P. C.

1. The above Petitions are filed under Section 9 of the Arbitration and Conciliation Act, 1996 (“***the Act***”).

2. Since the above Petitions (except in Commercial Arbitration Petition No. 378 of 2024) are coming up for the first time, the Petitioner shall issue notice to the Respondents, returnable on ***April 28, 2025***. The Petitioner is granted liberty to effect private service by all permissible modes including by

electronic means, and to file a service affidavit, with tangible evidence of service, on or before the next date.

3. Stand over to ***April 28, 2025*** under the caption “***Post-Notice – Section - 9***”.

Commercial Arbitration Petition NO. 485 OF 2024

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 August 24, 2019 (“***Agreement***”). Clause 21 of the Agreement contains the arbitration clause, which, in the interest of brevity, is not extracted herein.

2 The Respondents have evidently committed a default in servicing the loan. It is seen from the record that a notice in this regard was issued on July 22, 2024. Learned Counsel for the Petitioner submits that the amount due under the Agreement, as claimed by the Petitioner from the Respondent is to the tune of Rs. 1,81,77,615.87. It is seen from the record that this Petition has been served on the Respondents, but the Respondents have not entered appearance.

3 Learned Counsel for the Petitioner submits that there is an evident default, and despite issuance of a notice(s), there is no response at all, necessitating the protection of the subject-matter of the arbitration

agreement. It is submitted that the subject-matter of the arbitration agreement runs the risk of being dissipated and denuded, rendering the very arbitration infructuous. Consequently, urgent interlocutory relief is sought.

4 Since despite notice, the Respondents have not appeared, Learned Counsel seeks reliefs sought in prayer clauses (a) and (f). A case has been made out for grant of ad interim reliefs, and moulding, if any, is as considered appropriate by this Court. Such *ad interim* reliefs would apply pending the *ex parte* order template consideration of further *interim* relief by the Arbitral Tribunal that would be constituted in the matter :

a) pending the hearing and final disposal of the arbitration and until final execution of the Arbitral Award, the Hon'ble Court be pleased to pass an order of injunction, inter alia, restraining the Respondent by himself or his 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 (more particularly described at Exhibit C hereto) and also in respect of movable and/ or immovable properties/ assets, or any portion thereof, directly and/or indirectly, belonging to Respondent and also on the properties/assets disclosed and belonging to the

Respondent from the date of disbursement of the facility till date.

(f) pending the hearing and final disposal of the arbitration and until final execution of the Arbitral Award, this Hon'ble Court be pleased to direct the Respondent 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 and Fast Track Agreement.

5 It is made clear that should the Respondents be desirable of varying, altering or vacating the ad-interim relief granted hereby, the Respondents may appear before the Arbitral Tribunal, and present its say.

6 Learned Counsel for the Petitioner undertakes that an application under Section 11 of the Act is yet to be filed but will be filed. Liberty to do so within a period of one week from the upload of this Order on this Court's website to enable time to invoke arbitration afresh and file the same. In these circumstances list this Petition along with the Section 11 Application on ***April 28, 2025.***

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.]