

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION NO.548 OF 2024

|                                      |                |
|--------------------------------------|----------------|
| Tata Capital Housing Finance Limited | ...Petitioner  |
| Versus                               |                |
| R C and Company and Ors.             | ...Respondents |

Mr. Rohan Cama a/w. Ms. Nelly Mehta i/b NMA Legal for the Petitioner.  
Mr. Prashant J. Pandit for the Respondent Nos.1 to 3.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE: JANUARY 31, 2025

PC :

1. Learned Counsel for the Respondents seeks further time of two weeks to make the disclosure in terms of prayer clause 38(d) as directed in paragraph 5 in the Order dated January 15, 2025 passed on the last occasion.
2. Learned Counsel for the Petitioner submits that after such disclosure is made, he will file a Rejoinder within a week of receipt of such Affidavit.
3. Consequently, list under the caption ***“Final Hearing-Section 9”*** on ***February 27, 2025***.
4. I am informed that arbitration has been invoked. It is expected that the parties shall come up with a name of an Arbitrator they would go to, after consideration of interlocutory relief sought under this Petition, pending the approach to the Arbitrator. It is made clear that this Petition would be take up for disposal on the next date.

5. At the request for speaking to the minutes of my Order passed on January 15, 2025 by me, for which a praecipe has also been filed, Paragraph 5 of that order, which allowed prayer clause (e) shall be further modified by deleting the words “*as may be disclosed by them on oath and /or on affidavit*”.

6. It is made clear that with the aforesaid correction, the injunction would be without being qualified as being applicable only to such assets as disclosed. This would however not mean that the disclosure may exclude any asset. All assets as directed in terms of prayer clause (d) in the same paragraph of the earlier order, shall indeed have to be disclosed.

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.]**