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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMM. ARBITRATION PETITION NO. 719 OF 2024

Anees Bazmee

...Petitioner

Versus

Tarak Mansukhlal Mehta and Ors.

...Respondents

Mr. Chirag Mody a/w *Ms. Neeta Jain, Mr. Ashok Purohit and Ms. Janhavi Waze i/b Ashok Purohit & Co. for the Petitioner.*
None for the Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JUNE 13, 2025

ORDER :

1. This is a Petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (***“the Act”***) seeking interlocutory protective reliefs in connection with disputes and differences relating to a Memorandum of Understanding dated December 17, 2022 (***“Agreement”***). The Petitioner retired from the limited liability LLP formed with the Respondents and the wife of one of the Respondents was made a partner to the said LLP. In terms of the said Agreement a sum of Rs.2.12 Crores was payable by the Respondents to the Petitioner. On the face of record, it is a committed liability under the Agreement and was required to be discharged.

2. It is seen from the record that post-dated cheques had been issued by the Respondents in favour of the Petitioner. While one cheque for Rs.40 Lakhs was honoured, all the other cheques have been dishonoured. Consequently, there is an evident default on the part of the Respondents in paying the contracted dues.

3. Consequently, a case has been made out for issuance of direction in terms of prayer clause “a” and the Respondents are directed to deposit the recital sum of Rs.1.62 Crores with the Registry of this Court no later than three weeks from the date of upload of this order on the website of this Court.

4. Commercial Arbitration Application No. 3 of 2025 is an application under Section 11 of the Act which had been file but was withdrawn on the premise that fresh invocation would be effected. Learned Counsel for the Petitioner submits that fresh invocation was effected on March 28, 2025 and new a Section 11 Application is in the process of being filed. Section 11 Application shall be filed no later than two weeks from the date of upload of this order on the website of this Court.

5. List Section 11 Application and this Petition on ***July 11, 2025***.

6. 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.]