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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMM. ARBITRATION PETITION NO. 863 OF 2024

Tata Motors Finance Limited

...Petitioner

Versus

Sai Waste Management Co and Ors.

...Respondents

Ms. Sheetal Parkash a/w *Mr. Ravi Goenka, Mr. Abhishek Bhaduri, Mr. Abhayjeet Khairwar and Mr. Arif Ansari i/b Goenka Law Associates for the Petitioner.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 30, 2025

PC :

1. This is a Petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 ("***the Act***"). On October 7, 2024, a Learned Single Judge of this Court granted *ad-interim* relief in terms of prayer clause (h).

2. Today, when the matter is called out, Learned Counsel for the Petitioner submits that service has been effected as affirmed on oath in service affidavit dated October 28, 2024 as also December 17, 2024. The affidavits are taken on record. Since none appears for the Respondent even today, Learned Counsel for the Petitioner presses for prayer clause (i).

3. Having considered the fact that despite repeated notices, none appears for the Respondent, it would be appropriate to grant further relief to the Petitioner which is granted in terms of prayer clause (i), as moulded below :-

The Petitioner is entitled to take possession of the movable property which is more particularly described in the schedule which is marked and annexed as "Exhibit -C" to the Petition, with a further direction in favour of the Petitioner to seek assistance of the police by approaching the concerned police station upon payment of necessary charges for seeking police assistance to take charge of the said property more particularly described in the schedule which is marked and annexed as "Exhibit -C" to the present Petition.

4. Learned Counsel for the Petitioner submits that the Application under Section 11 of the Act is ready and will be lodged shortly. In these circumstances, list under the caption “*Final Hearing – Section 9*” along with Applications, if any, filed under *Section 11* on *February 24, 2025*.

5. 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.]