
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION NO. 865 OF 2024

Tata Motors Finance Solutions Ltd. ...Petitioner

Versus

Sant Kumar & Anr ...Respondents

Ms. Sheetal Prakash, a/w Abhishek Bhaduri, Abhayjeet Khairwar,
i/b Ravi Goenka, for the Petitioner.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 9, 2025

PC :

1. This is a Petition under Section 9 of the Arbitration and Conciliation Act, 1996 (“*the Act*”) seeking to secure the subject property relevant for the proposed arbitration.

2. Learned Counsel for the Petitioner fairly states that the vehicles in question have already been subject matter of earlier arbitral proceedings, and an award came to be passed in favour of the Petitioner. However, in execution proceedings, the aforesaid arbitral award came to be set aside by the relevant jurisdictional Court in the State of Rajasthan, owing to the arbitrator having been unilaterally appointed.

ASHWINI
JANARDAN
VALLAKATI

Digitally signed by
ASHWINI JANARDAN
VALLAKATI
Date: 2025.01.14
13:31:35 +0530

Ashwini Vallakati

3. The Petitioner has now sought to initiate proceedings afresh and the Petitioner is in the process of filing an Application under Section 11 of the Act in view of the financing agreement containing a unilateral appointment clause. She, therefore, prays for ad-interim relief, pending initiation of arbitration in this case.

4. Issue notice to the Respondent, returnable on January 30, 2025. At this stage, in the facts of the case, there shall be ad-interim relief as prayed in prayer clauses (e), (f) and (h) which read thus:-

“e. That this Hon’ble Court be pleased to direct the Respondents to disclose the details of the location of the vehicles deployed.

f. That this Hon’ble Court be please to direct the Respondents to disclose the relevant contracts with private entities and/or with government, semi-government undertakings through which the vehicles are deployed by the Respondents as well as a direction to disclose the cash flows and receivables arising out of this contractual arrangement.

*h. Without prejudice to any of the prayers, the Hon’ble Court be pleased to by an order and injunction, to restrain the Respondents by himself, his associates, servant or agents from disposing off and/or alienating his rights, title and interest and/or parting with the possession with the asset mentioned in **“Exhibit-C”** till all the dues so payable by the Respondents are realized.”*

5. The Respondent is at liberty to file reply, if any, on or before the next date of hearing, also explaining why the interim relief should be raised, if the Respondent so desires. Stand over to ***January 30, 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.]