

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION (L) NO. 6690 OF 2025
WITH
ARBITRATION APPLICATION NO. 144 OF 2025

Mahindra and Mahindra Financial Services Ltd ...Petitioner

Versus

Tool Craft Industries & Ors ...Respondents

Mr. Nilesh Mandavkar, i/b Anjana Mishra, for the Petitioner.

None for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JULY 2, 2025

PC :

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 March 23, 2023 (“***Agreement***”). Clause 24.11 (at pages 83 and 84 of the Petition) 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 December 21, 2024. Learned Counsel for the Petitioner submits that the amount due under the Agreement, as claimed by the Petitioner from the Respondents is to the tune of Rs.45,83,195.71/-. A service affidavit dated July 2, 2025 shows that the service has been effected on the Respondents. Despite service, 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 clause (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 consideration of further interim relief by the Arbitral Tribunal that would be constituted in the matter:

(f) The Petitioner or its representatives shall be entitled to enter upon the Respondents' premises and take possession of the hypothecated machinery i.e. "STM BRAND CNC VERTICAL MACHINING CENTER" with police assistance if required.

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

6. In these circumstances list these proceedings after four weeks i.e. on ***July 30, 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.]