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

COMMERCIAL ARBITRATION PETITION NO. 733 OF 2025

Aditya Birla Capital Ltd

...Petitioner

Vs.

Ashok Nagula

...Respondent

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Ms. Tikshta Modi a/w. Jenny Somaiya i/b Akhil Modi and Associates,
for Petitioner.

None for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : September 15, 2025

Order :

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 a Loan Agreement dated November 28, 2022 ("***Agreement***"). The arbitration clause is at Page No. 42 of the Petition, which, in the interest of brevity, is not extracted herein.

2. The Respondent has evidently committed a default in servicing the loan. It is seen from the record that a notice in this regard was issued on August 12, 2025. Learned Counsel for the Petitioner submits

that the amount due under the Agreement, as claimed by the Petitioner from the Respondent is to the tune of Rs. 21,92,328.35 as on June 19, 2025. It is seen from the record that this Petition has been served on the Respondent, but the Respondent has not entered appearance. The service affidavit is taken on record.

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 Respondent has not appeared, Learned Counsel seeks reliefs sought in prayer clauses (a), (c) and (d). 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:

- a. *There shall be a debit freeze of Respondent' bank accounts to the tune of claim amount INR 21,92,328.35/- in the bank account namely, Account Holder Name : Nagula Ashok Account No.: 52086625518*

Bank Name: State Bank of India; Branch Name: Hyderabad; IFSC Code: SBIN0020072; MICR Code 500002344.

- c. The Respondent and his agents or any person claiming under them are hereby restrained by a temporary order and injunction of this Hon'ble Court from in any manner, directly or indirectly, dealing, selling, offering for sale, causing it to be offered for sale, transferring, causing to be transferred parting with possession of, delivering, creating or causing to be created any third party rights in respect of his personal property situated at 12-11-1573 Arts College Warsiguda Boudhanagar Secunderabad S Secunderabad Telangana Pin Code - 500061.*
- d. The Respondent shall file a comprehensive affidavit disclosing on oath the assets both movable and immovable held by them jointly and or severally including details of all bank accounts (with account numbers, bank statement, bank branch etc) and all the amounts lying in the Bank accounts and also all debts of the Respondent and receivables payable by third parties to the borrower/s/Respondent with their precise and exact addresses*

5. It is made clear that should the Respondent 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. Learned Counsel for the Petitioner undertakes that an application under Section 11 of the Act is yet to be filed but will be filed. Liberty to

do so within a period of 30 days from the upload of this Order on this Court's website to enable time to invoke arbitration afresh and file the same. In these circumstances list this Petition along with the Section 11 Application on *October 14, 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.]