

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO. 755 OF 2025

Aditya Birla Capital Limited

...Petitioner

Versus

Deepesh lifescience & Ors

...Respondents

Ms. Tikshta Modi, a/w Jenny Somiya, i/b Akhil Modi & Associates, for the Petitioner.

None for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : SEPTEMBER 29, 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 an Agreement dated November 27, 2023 (“***Agreement***”). The arbitration clause contains at page 44 of the Petition, 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 August 21, 2025. 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.18,00,123.92/-. It is seen from the record that this Petition has been served on the Respondents, but 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 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 Respondents' bank accounts to the tune of claim amount INR 18,00,123.92/- in the bank account namely, Account Holder Name : Deepesh Lifescience; Account No. 2966002100016935; Bank Name: Punjab National

Bank; Branch Name: Raipur; IFSC Code: PUN 30296600, MICR: 492024003;

(c) The Respondents and their agents or any person claiming under them are restrained by a temporary order and injunction 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 their personal property situated at 1) New, Kothari Bhawan, Tarun Nagar Krishna Nagar, daganiya Chattisgarh Pin Code - 492013, 2) 54/589 Kothari Bhawan Krishna Nagar Daniganiya Near Maa Bamleshwari Temple, Daganiya, Raipur;

(d) The Respondents are directed to file their respective 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 Respondents and receivables payable by third parties to the borrower/s/Respondents with their precise and exact addresses.

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. 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 after four weeks i.e. on ***October 16, 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.]