

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION NO. 24 OF 2025
WITH
COMMERCIAL ARBITRATION APPLICATION (L.) NO. 7154 OF 2026

Tata Motors Finance Limited

..... PETITIONER/
APPLICANT

: VERSUS :

Majid Transport Co. & Ors.

.... RESPONDENTS

Ms. Ashmita Poojary *i/b. I.V. Merchant & Co., for the Applicant-Petitioner.*

Mr. Deepak Bhalerao, 2nd Assistant to Court Receiver present.

CORAM : SANDEEP V. MARNE, J.

DATED : 30 MARCH, 2026.

P.C. :

1) These are proceedings filed under Sections 9 and 11 of the Arbitration and Conciliation Act, 1996 (**Arbitration Act**) seeking interim measures and for constitution of the Arbitral Tribunal. Disputes and differences have arisen between the parties out of various Loan-cum-Hypothecation-cum-Guarantee Agreements. Perusal of the Agreements would indicate presence of arbitration clause therein. Despite being served, none has appeared on behalf of the Respondents in both the proceedings.

2) By order dated 14 January 2026, this Court has already made interim measures. Para-5 of the order reads thus :

5) List the petition for further consideration on **17 February 2026**. In the meantime, there shall be ad-interim relief in terms of prayer clause (d) which reads thus :

d) pending the hearing and final disposal of the arbitration and until final execution of the Arbitral Award, the Court Receiver, High Court, Bombay, be appointed as Receiver of the following properties:

i. Hypothecated Vehicles as more particularly mentioned at Exhibit - C hereto and Other assets /properties owned by the Respondent that may be disclosed by the Respondent on Affidavit, with all powers under Order XL Rule 1 of the Code of Civil Procedure 1908,

ii. with a direction to visit the place where the assets of the Respondent is lying/situate and take forcible physical possession of the same by breaking open the seals and/or locks without giving notice of their visit to the Respondent and for that purpose this Hon'ble Court be pleased to direct the concerned Police Station to render Police Assistance for the purpose of taking physical possession of the hypothecated assets from the Respondent or any third party found in possession of the same and handover it to the Petitioner from the Respondent, and with the power to sell the same by public auction or private treaty and/or recover and/or realize the same and to pay over the net sale proceeds and/or net recoveries and/or the net realization thereof to the Petitioner in or towards the satisfaction of its dues claimed hereunder.

3) The Court Receiver however reports that the Petitioner has not intimated the location of vehicles and accordingly the Court Receiver has not been able to take possession thereof. At this juncture, it is not necessary to consider the prayers in Section 9 Petition for grant of further interim measures. Since Section 11 Application is filed, it would be appropriate that the Court appoints an Arbitrator for adjudication of disputes and differences between the parties. It would be appropriate to discharge the Court Receiver since Petitioner is unable to intimate the location of the vehicles. However, it

would be open for the Petitioner to press for further interim measures before the Arbitral Tribunal as and when the occasion so arises.

4) Accordingly, I proceed to pass the following order :

(A) Ms. Payal Vardhan, an Advocate of this Court is appointed as sole Arbitrator to adjudicate upon the disputes and differences between the parties. The contact details of the Arbitrator are as under :

Office Address :-A/10, Tamarind House, Tamarind Lane,
Fort,

Mumbai-400 001.

Mobile No. :- 7666111250

Email ID :- payalvardhan@gmail.com

(B) A copy of this order be communicated to the learned sole Arbitrator by the Advocate for the Petitioner/Applicant within a period of one week from the date of uploading of this order. The Petitioner/Applicant shall provide the contact and communication particulars of the parties to the Arbitral Tribunal alongwith a copy of this order.

(C) The learned sole Arbitrator is requested to forward the statutory Statement of Disclosure under Section 11(8) read with Section 12(1) of the Act to the parties within a period of 2 weeks from receipt of a copy of this order.

(D) The parties shall appear before the learned sole Arbitrator on such date and at such place as indicated by her to obtain appropriate direction with regard to conduct of the arbitration

including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearings etc.

(E) The fees of the sole Arbitrator shall be as prescribed under the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018 and the arbitral costs and fees of the Arbitrator shall be borne by the parties in equal portion and shall be subject to the final Award that may be passed by the Tribunal.

5) Petitioner/Applicant is at liberty to file appropriate application before the Arbitral Tribunal for seeking further interim measures.

6) All rights and contentions of the parties are expressly kept open to be raised before the Arbitral Tribunal.

7) The Court Receiver appointed vide order dated 14 January 2026 is discharged without passing accounts subject to payment of costs, charges and expenses. With the above directions, the Commercial Arbitration Application and Commercial Arbitration Petition are **disposed of**.

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[SANDEEP V. MARNE, J.]