

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMMERCIAL ARBITRATION PETITION NO. 24 OF 2025

TATA Motors Finance ltd.

.....PETITIONER

: VERSUS :

Majid Transport Co.

....RESPONDENT

Mr. Gaurav Jangle with Ms. Ashmita Poojary i/b. I.V. Merchant & Co., for the Petitioner.

CORAM : SANDEEP V. MARNE, J.

DATED : 14 JANUARY 2026.

P.C :

1) Leave granted to change the name of the Petitioner. Amendment to be carried out forthwith. Reverification is dispensed with.

2) Heard Mr. Jangle, the learned counsel appearing for the Applicant. He tenders Affidavit of private service which is taken on record. None appears on behalf of the Respondent despite being privately served. Issue court notice to the Respondent returnable on 17 February 2024.

3) The disputes and differences between the parties arise out of Loan-hypothecation Agreement for enabling the finance of commercial vehicles. Petitioner submits that Respondent is utilizing the commercial vehicles without repaying the outstanding amount. It is submitted that it is necessary to appoint Court Receiver in respect of the vehicle described in Exhibit-C for taking physical possession so that

the Petitioner is permitted to put the vehicles to use during pendency of arbitral proceedings.

4) Petitioner to take steps for filing of application under Section 11 of the Arbitration Act within 2 weeks.

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.

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[SANDEEP V. MARNE, J.]