

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION APPLICATION (L.) NO. 25365 OF 2025
WITH
COMMERCIAL ARBITRATION PETITION NO. 446 OF 2024

Tata Capital Ltd.

....APPLICANT
PETITIONER

: VERSUS :

Priyanka Services & Ors.

....RESPONDENTS

Ms. Kunjita Shah i/b. I.V. Merchant & Co., for the Applicant.

CORAM : SANDEEP V. MARNE, J.

DATED : 17 JANUARY 2026.

P.C :

1) Commercial Arbitration Petition No. 446 of 2024 is not on board. At the request of the learned counsel appearing for the Petitioner, the same is taken on board for analogous hearing with the present application.

2) Commercial Arbitration Application (L.) No. 25365 of 2025 is filed under Section 11 of the Arbitration and Conciliation Act, 1996 (**Arbitration Act**) for appointment of Arbitrator for adjudication of disputes and differences arising between the parties out of Loan-Hypothecation-Guarantee Agreement dated 20 April

2022. Clause-23 of the Loan-Hypothecation-Guarantee Agreement contains arbitration clause. Commercial Arbitration Petition No.446 of 2024 is filed under Section 9 of the Arbitration Act seeking interim measures.

3) I have heard Ms.Shah, the learned counsel appearing for the Petitioner/Applicant. She tenders Affidavit of private service which is taken on record. None has appeared on behalf of the Respondents. Non appearance on behalf of the Respondents appears to be consistent with their conduct in not appearing in Section 9 petition as well. By order dated 5 February 2025, this Court has granted interim measures in favour of the Petitioner. None has filed appearance on behalf of the Respondents even in Commercial Arbitration Petition No.446 of 2025. In my view therefore, it would be just and appropriate to constitute Arbitral Tribunal of sole Arbitrator in the light of express agreement to arbitrate between the parties.

4) At this stage, Ms.Shah submits that Commercial Arbitration Petition No. 446 of 2024 be permitted to be converted as an application under Section 17 of the Act.

5) Accordingly, Ms. Shilpi Jain, an Advocate practicing in this Court can be appointed as Arbitrator for adjudication of disputes and differences between the parties. Accordingly, I proceed to pass the following order :

(A) Ms. Shilpi Jain, an Advocate of this Court is appointed as Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of an Loan-Hypothecation-

Guarantee Agreement referred to above. The contact details of the Arbitrator are as under :

Email ID :- shilpijain.adv@gmail.com

Mobile No.:- 98208 15171

(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.

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

7) Commercial Arbitration Petition No. 446 of 23024 is permitted to be converted as an application under Section 17 of the Arbitration Act before the learned Arbitrator which shall be decided on its own merits. Till decision of Section 17 application, ad-interim order granted by this Court on 5 February 2025 shall continue to operate.

8) With the above directions, the Arbitration Application, as well as Arbitration Petition are **disposed of**.

Digitally
signed by
NEETA
SHAILESH
SAWANT
Date:
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[SANDEEP V. MARNE, J.]