

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO. 782 OF 2024

Tata Motors Finance Limited

...Petitioner

Versus

Narindera Stone Crusher

...Respondent

Ms Akshita Jain a/w Ms Durv Thakare i/b I. V. Merchant & Co. for Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 5th FEBRUARY 2026

P.C.

1 Learned Counsel appearing on behalf of the Petitioner has today placed reliance upon an affidavit of service dated 3rd June 2025 to prove service on the Respondents of the order dated 7th April 2025. Learned Counsel has pointed out that this Court had vide order dated 7th April 2025 granted the Petitioner relief in terms of prayer clauses (a) and (f) of section 9 petition which read thus.

“(a) pending the hearing and final disposal of the arbitration and until final execution of the Arbitral Award, the Hon'ble Court be pleased to pass an order of injunction, inter alia, restraining the Respondent by himself or his servants, assigns, employees, agents, representatives, officers, or any other person/s claiming through or under them or under any instrument, whatsoever, from in any manner selling, alienating, transferring, parting with the possession of, encumbering, dealing with, disposing of or creating any third party rights or interest of whatsoever nature and in any manner whatsoever in respect of their hypothecated commercial vehicles (more particularly described at Exhibit C hereto) and also in respect of movable and/ or immovable properties/ assets, or any portion thereof, directly and/or indirectly, belonging to Respondent and also on the

properties/assets disclosed and belonging to the Respondent from the date of disbursement of the facility till date.

(f) pending the hearing and final disposal of the arbitration and until final execution of the Arbitral Award, this Hon'ble Court be pleased to direct the Respondent to disclose the current and exact detailed location of the hypothecated vehicles on oath and to handover peaceful possession of the Hypothecated Vehicles to the Court Receiver, High Court, Bombay or any fit and proper person, at the predesignated place as may be fixed by this Hon'ble Court, with normal wear and tear at the cost and expenses of the Respondent as per the said Agreements and Fast Track Agreement."

2 She submits that despite the said order, the Respondents have neither complied with the same nor have they entered appearance. It is in these circumstances, that she today has pressed for interim relief in terms of prayer clause (d) of the petition which is for an appointment of the Court Receiver in respect of the hypothecated assets which are more particularly set out at Exhibit C of the Petition.

3 Having heard learned counsel and having noted the fact that this Court is already granted a relief of disclosure and injunction restraining the Respondents from dealing with, alienating or encumbering the assets and the fact that the Respondents are served, though not appearing, I am satisfied that the Petitioner is entitled to further relief of appointment of the Court Receiver. Clearly the conduct of the Respondents shows disregard for the orders of this Court as also the fact that the Respondents are likely to deal with the hypothecated assets. Hence there shall be ad-inerim 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;

(ii) other assets /properties owned by the Respondents that may be disclosed by the Respondent on Affidavit, with all powers under Order XL Rule 1 of the Code of Civil Procedure 1908,

(iii) with a direction to visit the place where the assets of the Respondents are lying/ situate and take forcible physical possession of the same by breaking open the seals and/or locks of whatsoever nature or by whomsoever put on the premises where the said hypothecated vehicles are lying, with or without giving notice of their visit to the Respondents 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 Respondents or any third party found in possession of the same and handover it to the Petitioner from the Respondents, and with the power to sell the same by public auction or private treaty and/or recover and/or realise 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."

4 Let the copy of this order be served upon the Respondents. Stand over to 12th March 2026.

5 It is made clear that if, before the next date the Section 11 petition is not served on the Respondents, this order shall stand vacated forthwith.

[ARIF S. DOCTOR, J.]