

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COURT RECEIVERS REPORT NO. 562 OF 2025
WITH
COMMERCIAL ARBITRATION PETITION (L.) NO. 29853 OF 2025

Profectus Capital Private Limited

..... PETITIONER

: **VERSUS** :

R.K. Fracture Hospital and Trauma

Center & Ors.

... RESPONDENTS

Ms. Shrishty Punjabi *i/b. V.M. Legal, for the Petitioner.*

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

CORAM : SANDEEP V. MARNE, J.

DATED : 7 APRIL, 2026.

P.C. :

1) This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (**Arbitration Act**) seeking interim measures before commencement of arbitral proceedings. The disputes and differences between the parties have arisen out of performance of agreement dated 31 May 2024. By order dated 8 October 2025, this Court granted ad-interim measures in terms of prayer clauses (i), (v) and (vi) of the petition. However, it transpires the status-quo order is passed by another Court in respect of the immovable properties in respect of which the Court Receiver is appointed. In that view of the matter, by order dated 9 February 2026, this Court directed Court Receiver not to perform any act in respect of the property for which status-quo order is operational. The report of the Court Receiver indicates that the Court Receiver has taken possession of certain movable properties. Ms. Punjabi, the learned counsel

appearing for the Petitioner prays for handing over custody of the movable mortgaged properties. Court Receiver Report also seeks direction in respect of the movable properties. Court Receiver's Report also seeks directions in respect of the movable properties. Since movable properties of which possession is taken over by the Court Receiver are mortgaged with the Petitioner, I do not see any difficulty in directing the Court Receiver to hand over possession thereof to the Petitioner.

2) None has appeared on behalf of the Respondents despite being served.

3) Ms. Punjabi submits that steps have been taken for commencement of arbitral proceedings and notice invoking arbitration under Section 21 of the Act has already been issued. She submits that once 30 days period indicated in the notice is over, the Petitioner shall file application under Section 11(6) of the Arbitration Act. In my view, it is not necessary to keep the petition pending any longer. The ad-interim measures granted in terms of prayer clause (i) can be continued throughout pendency of the arbitral proceedings.

4) As and when Petitioner files application under Section 11(6) of the Arbitration Act, prayer for appointment of Arbitrator can be considered.

5) I accordingly proceed to pass the following order :

(i) Pending arbitral proceedings and till making of final Award, there shall be interim measures in favour of the Petitioner in terms of prayer clause (i) which reads thus :

(i) The Respondents, including their servants, agents, assignees and/or any other person claiming by, through or under them are restrained from selling, transferring, alienating, dealing with or disposing or creating third party rights with respect to the Mortgaged Property and

Hypothecated Machinery and all of their respective assets (movable and/or immovable) including bank accounts, investments and all other properties owned by the Respondents jointly and/or singly and of any of the entities owned by the Respondents and also in respect of the properties disclosed by the Respondents in prayer clause (ii) below :

(ii) The movable properties of which possession is taken over by the Court Receiver in pursuance of order dated 8 October 2025 shall be given in custody of the Petitioner. The Petitioner would be at liberty to cause sale of the said immovable properties for recovery of outstanding amounts from the Respondents. The Petitioner to bear cost of shifting of the machinery.

(iii) Court Receiver is accordingly discharged without passing of accounts but subject to payment of costs and charges.

(iv) The above interim measures shall operate for a period of 90 days before which the Petitioner shall take steps for commencement of arbitration.

6) With the above directions, the Arbitration Petition, as well as Court Receiver's Report are disposed of.

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[SANDEEP V. MARNE, J.]