



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION NO.25 OF 2026

Incred Financial Services Limited

...Petitioner

V/s.

Ace Turtle Omni Private Limited and
Ors.

...Respondents

WITH
COMMERCIAL ARBITRATION APPLICATION NO.13 OF 2026

Incred Financial Services Limited

...Applicant

V/s.

Ace Turtle Omni Private Limited and
Ors.

...Respondent

Mr. Aman Saraf with Ms. Khushi Jain i/b. M/s. Manilal Kher Ambalal &
Co. for the Petitioner.

CORAM: SANDEEP V. MARNE, J.
DATED: 11 FEBRUARY 2026.

P.C.:

1) These are the proceedings filed under Sections 9 and 11 of the Arbitration and Conciliation Act, 1996 (**the Arbitration Act**) seeking interim measures and for constitution of Arbitral Tribunal.

2) I have heard Mr. Saraf, the learned counsel appearing for the Applicant/Petitioner.

3) By order dated 8 January 2026 this Court had issued notices to the Respondents. Office report indicates that notices have been duly served on the Respondents. However, none appears on behalf of the Respondents. Perusal of the Master Rental Agreement dated 14 August 2023 clearly indicates existence of arbitration clause No.24.2. In that view of the matter, I do not see any difficulty for constitution of Arbitral Tribunal. So far as interim measures are concerned, this Court has already granted ad-interim relief by order dated 8 January 2026. The same can be continued during pendency of the arbitral proceedings.

4) Mr. Saraf prays for further interim measure in terms of prayer clause (g). He submits that the Petitioner as of now is not aware of the exact location of the leased equipments, at least the Petitioner's representative be permitted to enter the office premises of Respondent No.1 for the purpose of re-possessing the leased equipment and to sell the same.

5) Accordingly, I proceed to pass the following order:-

(A) Ms. Shubhra Swami, an Advocate of this Court is appointed as sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of Master Rental Agreement dated 14 August 2023. The contact details of the Arbitrator are as under :

Mobile No.:-9820729283

Email ID :- swami.shubhra@gmail.com

(B) A copy of this order be communicated to the learned sole Arbitrator by the Advocates for the Petitioner within a period of one week from the date of uploading of this order. The Petitioner 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) Ad-interim relief granted by this Court by order dated 8 January 2026 shall continue to operate during pendency of the arbitral

proceedings and till making of the final Award. Additionally, there shall be further interim measures in terms of prayer clause (g), which reads thus:-

g) That pending hearing and final disposal of the instant Petition, this Hon'ble Court be pleased to direct the Respondent No. 1 and its authorised representative to allow the Petitioner's authorised representatives to enter Respondent No. 1's office premises situated at 701 to 714, Tower C, Diamond District, Airport Road, Kodihalli, Bangalore, Karnataka - 560008, for the purposes of repossessing the equipment leased and further to sell the repossessed equipment and deposit the proceeds of the same with the Receiver pending the hearing and final disposal of the instant Arbitration Petition and Arbitral proceedings;

7) With the above directions the Application and the Petition are **disposed of**.

[SANDEEP V. MARNE, J.]