



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION NO. 439 OF 2025
WITH
COMMERCIAL ARBITRATION APPLICATION (L) NO. 10766 OF 2026
Aditya Birla Capital Limited ...Petitioner

V/s.

RK Traders and Ors. ...Respondents

Ms. Simran K. Raj *i/b Ms. Tikshita Modi for Petitioner.*

CORAM: SANDEEP V. MARNE, J.

DATED: 08 APRIL 2026.

P.C.:

1) These are the proceedings filed under Section 9 and Section 11 of the Arbitration and Conciliation Act, 1996 (**the Arbitration Act**) seeking interim measures before commencement of arbitral proceedings and for appointment of an Arbitrator. The disputes and differences have arisen between the parties out of Loan Agreement dated 30 November 2024.

2) I have heard Mr. Raj, the learned counsel appearing for Petitioner.

3) Office report indicates that Respondents have been duly served in Section 9 Petition. However, none has appeared on behalf of

the Respondents. As directed by this court, Petitioner has also filed Application under Section 11 of the Act.

4) By order dated 22 January 2026 this Court has already granted ad-interim relief in terms of prayer clause (c) and (d). The same can be made absolute during pendency of arbitral proceedings and till making of the final award.

5) Perusal of the Loan Agreement indicates the existence of Arbitration Agreement between the parties. The seat of the Arbitration is at Mumbai. Since this Court is prima facie satisfied about existence of arbitration agreement, it would be just and proper to constitute Arbitral Tribunal comprising of a sole arbitrator. The ad-interim relief granted in favour of the Petitioner can be continued during pendency of the arbitral proceedings.

6) Accordingly, I proceed to pass following order:-

(A) Ms. Apurva Gupte, an Advocate of this Court is appointed as sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of the Loan Agreement dated 30 November 2024. The contact details of the Arbitrator are as under :

Office Address :	521, 5 th Floor, Commerce House, Fort, Mumbai
Contact No. :	9820712185

(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.

5) The Ad-interim relief granted by this Court vide order dated 22 January 2026 shall continue to operate during pendency of the arbitral proceedings and till making of the final award. Petitioner would be at liberty to press for further interim measures before the Arbitral Tribunal, if the need so arises.

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

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

[SANDEEP V. MARNE, J.]