

Misc. case No.14885 of 2025

Present : Biswarup Bandyopadhyay (WB01133), Chief Judge
Order No.03, dated 14.11.2025:

This is an application filed by the petitioners under Section 14 of the Arbitration and Conciliation Act, 1996 seeking termination of the appointment of the Arbitrator namely Sri Pradeep J Mule having his office at Gulab Pauillion, 6th Floor, Near Z Bridge, Shivajinagar, Pune-411004 in terms of the Loan Agreement No.P410PPS9486529 dated 02.12.2023 entered by and between the parties containing Arbitration Clause at Clause No.13 along with other consequential relief including an ad interim order of stay of the arbitral proceeding. The Ld. Counsel was requested to serve the copy of the application on the opposite party and file an affidavit of service with regard to such service and in compliance therewith an affidavit of service has been filed.

The affidavit of service discloses service of the application on the Ld. Abitrator. However the service on the opposite party i.e. Bajaj Finance Ltd having its registered office at 3rd Floor, Panchshill Tech Park, Viman Nagar, Pune, Maharastra, Pin - 411014 does not appear to be satisfactory. However, the Ld. Counsel appearing for the petitioner citing the grave urgency involved in the matter, specially the appointment of the arbitrator in violation of the terms and conditions laid down in the Arbitration Clause-13 of the Loan Agreement moves the prayer for ad interim order of stay of the Arbitral Proceeding. It is submitted that as per the Arbitration Clause-13 the lender i.e. the opposite party is required to address a notice to the borrower i.e. the petitioner suggesting the names of not more than 3 arbitrators, from whom, the borrower shall, either confirm acceptance of one among the proposed names as the sole arbitrator and confirm in writing to the lender within a period of 10 days from the date of notice or convey objection, if any, in writing to the lender, against the proposed names of the sole arbitrator within the said notice period. It is the submission of the Ld. Counsel that such stipulated condition has not been complied with as no communication was made to the petition containing proposals of the names of Arbitrators; neither any opportunity was given to submit any objection against the appointment within the notice period.

I have heard the submission of the Ld. Counsel appearing for the petitioners. Perused the contention made in the application with reference to prayer for ad interim order of stay of the Arbitral Proceeding involving appointment of the Ld. Arbitrator Sri Pradeep J Mule, having its office at Gulab Pauillion, 6th Floor, Near Z Bridge, Shivajinagar, Pune-411004 in terms of Loan Agreement No.P410PPS9486529 dated 02.12.2023 along with the Arbitration Clause appearing in Clause no.13 in the said agreement. I find that petitioners have made out a prima facie case to avail an ad interim order of stay of Arbitral

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Proceeding, specially when it appears, at this stage, on consideration of the materials place on record, that the petitioners were not extended the opportunity of taking part in selection of the Arbitrator or submitting objection regarding appointment of Arbitrator. It also appears that if the interim order is not granted at this stage, the Arbitral Proceedings may commence which may cause prejudice to the petitioners who have approached, this Court challenging the appointment of the Arbitrator himself and this may also result in multiplicity of proceeding. The balance of convenience and inconvenience clearly favours the case of the petitioner at this stage.

Hence, it is

Ordered

Let there be an interim stay of all further proceeding of arbitration by Ld. Arbitrator Sri Pradeep J Mule in the Arbitration Case between Bajaj Finance Limited – vs – Om International & Anr.

The interim stay granted shall remain in force till the next date.

Petitioners is to serve notice upon the respondent/opposite party and submit the affidavit of service on 05.12.2025 when the matter shall come up for contested hearing of the stay petition.

Dictated & corrected by me,

Chief Judge.

Chief Judge,
City Civil Court, Calcutta.