



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION (L) NO.6344 OF 2025

Siemens Financial Service Private Limited ...Petitioner
Versus
G and L Profile and Equipments Private Limited & Ors. ...Respondents

Ms. Diksha Tripathi *i/b. Indialaw LLP, Advocate for Petitioner.*

None for the Respondents.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JUNE 10, 2025

PC :

1. This is a Petition under Section 9 of the Arbitration and Conciliation Act, 1996 (*“the Act”*) seeking interlocutory protective reliefs in connection with disputes and differences relating to a Master Lease Agreement dated January 20, 2021 (*“Agreement”*). Clause 29 of the Agreement contains the arbitration clause, which, in the interest of brevity, is not extracted herein.

2. The Respondents have evidently committed a default in servicing the loan. It is seen from the record that a notice in this regard was issued on January 21, 2025. Learned Counsel for the Petitioner submits that the amount due under the Agreement, as claimed by the



Petitioner from the Respondents is to the tune of Rs.Rs.1,25,11,942/-.

It is seen from the record that this Petition has been served on the Respondent, but the Respondents have not entered appearance.

3. Learned Counsel for the Petitioner submits that there is an evident default, and despite issuance of a notice, there is no response at all, necessitating the protection of the subject-matter of the arbitration agreement. It is submitted that the subject-matter of the arbitration agreement runs the risk of being dissipated and denuded, rendering the very arbitration infructuous. Consequently, urgent interlocutory relief is sought.

4. Since despite notice, the Respondents have not appeared, Learned Counsel seeks reliefs sought in prayer clauses (a), (b) and (c). A case has been made out for grant of ad-interim reliefs, and moulding, if any, is as considered appropriate by this Court. Such ad interim reliefs would apply pending the consideration of further interim relief by the Arbitral Tribunal that would be constituted in the matter:

(a) The Respondents are directed to deposit a sum of Rs.1,25,11,942/- (Rupees One Crore Twenty-Five Lakh Eleven Thousand Nine Hundred and Forty-Two Only) due as on 15th January, 2025 along with penal interest at the rate of 8.80% per annum with the Registry of this Court or to furnish sufficient securities and/or bank guarantee to secure the Petitioner's claim.

(b) The Respondents, their agent/s, servant/s, and any third person/s claiming through them be restrained by an order of injunction of this



Hon'ble Court from in any manner dealing with, selling, transferring, disposing of, or alienating or encumbering or mortgaging or hypothecating or charging or parting with possession of or transferring, or inducting anyone else into or creating any right, title or interest or license in favour of anyone else in respect of :

i. Vertical Machining Centre (O2 Nos.)

ii. Aluminium Extrusion Plant Machinery (Asset Description as per PI) (1 No.);

iii. 20 HP Air Compressor Complete (Asset Description as per PI) (1 No.);

iv. Mitsubishi CNC Wire cut Electricals Discharge Machine Model MVL200S D-Cubes Advance M8 Controller (1 No.)

v. 750 MT (825 UST) Aluminium Extrusion Press (1 No.)

vi. Servo Stabilizer (1 No.), along with anything mounted on it, contained in it, affixed or attached to it, permanently or other-wise.

(c) The Court Receiver of this Court shall take forcible physical possession of the leased equipment as above, with all powers under Order XL Rule 1 of the Code of Civil Procedure 1908 with specific directions to take forcible physical possession of the hypothecated machines and hand over the same to the Petitioner with the assistance of police and break open the lock in case the premise is locked where the equipment's are kept, if necessary.

5. It is made clear that should the Respondents be desirable of varying, altering or vacating the ad-interim relief granted hereby, the Respondents may appear before the Arbitral Tribunal, and present its say.

6. Learned Counsel for the Petitioner undertakes to file an application under Section 11 of the Act. Liberty to do so within a period of 30 days from the upload of this Order on this Court's website to enable time to invoke arbitration afresh and file the same. In these



circumstances list this Petition along with the Section 11 Application on *July 11, 2025*.

7. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]