



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

COMM. ARBITRATION APPLICATION (L.) NO.18205 OF 2023

SHRADDHA
KAMLESH
TALEKAR

Digitally signed by
SHRADDHA
KAMLESH TALEKAR
Date: 2024.07.01
11:13:10 +0530

Aditya Birla Finance Limited ... Applicant

Versus

Comandur Parthasarthy ... Respondent

Mr.Sharad Bansal a/w. *Lalit Katariya, Ashrita Chindarkar i/b
Katariya & Associates, Advocates for Applicant.*

Mr.Kersi Dastoor, *Advocate for Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JUNE 27, 2024

PC :

1. After hearing the matter at some length, it is apparent that the crux of the opposition from the Respondent to allowing this Application under Section 11 of the Arbitration and Conciliation Act, 1996 is that there is a reference to two different cities in the Deed of Guarantee in connection with the arbitration.

2. It is noted that the Deed of Guarantee is essentially a guarantee by the Respondent provided in relation to three loans made by the Applicant to companies promoted by the Respondent. Arbitration proceedings are already underway to resolve disputes



relating to the obligations to service the loans, which are guaranteed by the Respondent, and it would be convenient to refer the disputes under the Deed of Guarantee to the same arbitrator, in proceedings being conducted in Mumbai under those agreements.

3. The arbitration agreement contained in Clause 24 of the Deed of Guarantee states that the arbitration shall be held in Mumbai, but Schedule I, Part C of the Deed of Guarantee states Hyderabad as the agreed venue for arbitration, and the courts in Hyderabad as the courts with jurisdiction (Page 192 of the Application). On this count, the Learned Counsel for the Respondent submits that he would like to put in a specific affidavit in reply opposing the appointment of an Arbitrator by this Court on the ground that it would be the courts in Hyderabad that would have jurisdiction to appoint an arbitrator.

4. Let such an affidavit be filed by 4th July, 2024. Rejoinder, if any, shall be filed by 9th July, 2024. List on **18th July, 2024**.

5. Registry is requested to list the matter at the earliest as and when a Bench is available to dispose of the Application, since it has been pending for a significantly longer time, and arbitration is already underway between the same parties on the very agreements that have



been guaranteed.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]