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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM DIVISION REVIEW PETITION (L) NO. 40 OF 2019
IN
COMM DIVISION CHAMBER SUMMONS NO. 25 OF 2019
IN
CHAMBER ORDER NO. 972 OF 2018
IN
COMM EXECUTION APPLICATION NO. 35 OF 2017**

Municipal Corporation of Greater Mumbai

...Petitioner/Orig
Respondent/
Judgment Debtor

Versus

Walter Bau-AG(IL)

...Respondent/
Claimant/
Award Holder

**WITH
COMM DIVISION NOTICE OF MOTION (L) NO. 2260 OF 2019
IN
COMM DIVISION REVIEW PETITION (L) NO. 40 OF 2019
IN
COMM DIVISION CHAMBER SUMMONS NO. 25 OF 2019
IN
CHAMBER ORDER NO. 972 OF 2018**

IN
COMM EXECUTION APPLICATION NO. 35 OF 2017

Mr Yashodeep Deshmukh, *for the MCGM-Petitioner.*
Mr Gaurang Mehta, *with Sneha Shukla & Vidya Chaudhari, i/b*
Chamber of Javed Gaya, for the Respondent.

CORAM: G.S. PATEL, J.
DATED: 28th January 2020

PC:-

1. The delay is condoned. Notice of Motion (L) No. 2260 of 2019 is made absolute.

2. Paragraph 1 of my order dated 23rd April 2019 cannot conceivably be read to suggest that, on account of the statement Mr Deshmukh made that day, the MCGM must be deemed to have accepted without question the extent of its indebtedness to the Respondents. That statement was made in a context. The MCGM challenged certain orders of the additional Prothonotary & Senior Master allowing the Respondents' amendment to an execution application. That amendment purported to correct an interest rate and also purported to show the amount that, according to the Respondents, was due to them from the MCGM. Mr Deshmukh's statement was in regard to the frame of the MCGM's challenge, and he did not concede that the MCGM had accepted its indebtedness to the Respondents. Had he done so, I would have noted it precisely in those terms and the matter would have ended there. Then there

would have been no question of setting aside the order of the Prothonotary & Senior Master on the Respondents' Chamber Order, or restoring it to file for later disposal by the Court. In fact MCGM has always disputed the correctness of the amount that the Respondent claims it is entitled to recover from the MCGM.

3. This is not in any sense a review of my order of 23rd April 2019. There is actually nothing to review. It is simply a clarification, lest paragraph 1 of that order be misconstrued or wrongly used in some other proceeding. With these observations the Petition is disposed of.

(G. S. PATEL, J)