

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION NO. 1897 OF 2025
IN
COMMERCIAL SUMMARY SUIT NO. 3 OF 2025

Hindustan Construction Company Limited ... Applicant

Versus

Mumbai Metro One Private Limited ... Respondent

WITH
INTERIM APPLICATION NO. 1969 OF 2025

IN
COMMERCIAL SUMMARY SUIT NO. 3 OF 2025

Mumbai Metro One Private Limited ... Applicant

Versus

Hindustan Construction Company Limited ... Respondent

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Mr. Shanay Shah alongwith Mr. Ativ Patel, Ms. Viloma Shah, Mr. Harshad Vyas and Mr. Viraj Raiyani instructed by M/s. AVP Partners, Advocate for the Plaintiff/Applicant in IA-1897-2025.

Mr. Karl Tamboly (through VC) alongwith Mr. D.J. Kakalia, Ms. Bhavna Singh Jaipuria, Mr. Paresh Patkar and Mr. Kartik Hede instructed by Mulla and Mulla and CBC, Advocate for the Defendant in COMSS-3-2025 and for the Applicant in IA-1969-2025.

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CORAM : ABHAY AHUJA, J.

DATE : 9 JUNE 2025

PC. :

Interim Application No. 1897 of 2025 :

1. Pursuant to the order dated 29th April 2025, today when the

matter is called out, Mr. Karl Tamboly, learned Counsel, appears for the Defendant and submits that Interim Application No.1969 of 2025 has been taken out challenging the jurisdiction of this Court in view of the arbitration clause contained in the Contract Agreement between the parties.

2. Mr. Shah, learned Counsel, appearing for the Plaintiff submits that reply has been filed and that in view of the Article 2 of the Settlement Agreement, this Court would have jurisdiction and not any arbitral tribunal as contemplated under the Contract.

3. Mr. Tamboly seeks some time to consider the same and if necessary file rejoinder.

4. Let rejoinder to the Interim Application No.1969 of 2025 be filed within a period of two weeks with a copy to the other side.

5. As regards Interim Application No. 1897 of 2025, Mr. Tamboly submits that as the entire debt has been assigned to National Asset Reconstruction Company Limited, no payment can be made to the Plaintiff at this stage, however, submitting that only after Interim Application No. 1969 of 2025 is decided, this Court can hear Interim Application No.1897 of 2025.

6. List on **25th June 2025**.

(ABHAY AHUJA, J.)