



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

INTERIM APPLICATION NO.4095 OF 2025
IN
COMMERCIAL ARBITRATION PETITION (L) NO.35800 OF
2024
WITH
COMMERCIAL ARBITRATION PETITION (L) NO.35800 OF
2024

PHE Consultants

...Applicant

In the matter between

Municipal Corporation of Greater
Mumbai (MCGM)

...Petitioner

V/s.

Mott Macdonald Limited and Ors.

...Respondents

WITH
INTERIM APPLICATION (L) NO.36426 OF 2024
WITH
INTERIM APPLICATION (L) NO.14787 OF 2025
IN
COMMERCIAL ARBITRATION PETITION (L) NO.35800 OF
2024

Municipal Corporation of Greater
Mumbai (MCGM)

...Applicant/Petitioner

V/s.

Mott Macdonald Limited and Ors.

...Respondents

Mr. G.S. Godbole, *Senior Advocate with Mr. Rahul Soman and Ms. Komal Punjabi for Petitioner-MCGM.*

Mr. Naushad Engineer, *Senior Advocate with Mr. Hasmit Trivedi, Mr. Indra Kumar Lahoti and Ms. Niharika Ahirekar i/b. M/s. Praxis Legal for the Respondents.*

CORAM: SANDEEP V. MARNE, J.

DATED: 07 NOVEMBER 2025.

P.C.:

INTERIM APPLICAITON NO.4095 OF 2025:-

1) Interim Application is already disposed of by order dated 19 September 2025, which reads thus:-

1. By this Application, the Applicant seeks withdrawal of a sum of Rs.31,99,38,354/- upon furnishing the Bank Guarantee to the satisfaction of the learned Prothonotary and Senior Master.

2. The learned Senior Counsel undertakes to give a Bank Guarantee of IDBI Bank for the said amount, in accordance with the prevailing rate of interest. He further submits that he is one of the four concerned entitled to receive the amounts.

3. I find no impediment in permitting such withdrawal, subject to the condition that the Applicant furnishes the aforesaid Bank Guarantee for the said sum.

4. Accordingly, the Interim Application No.4095 of 2025 is allowed in terms of prayer clause a(i).

5. All concerned to act on an authenticated copy of this order.

6. The parties shall exchange their consolidated list of dates and events, written submissions - structured as a point-wise reply to the Opponents' contentions and relevant case law relied upon, by 4th November 2025.

7. List the matter on 7th November 2025 under the caption 'for admission', to be tagged along with Interim Application (L) No.14787 of 2025.

Thus, as per order 19 September 2025, the Applicant was permitted to withdraw the deposited amount by furnishing Bank Guarantee alongwith interest.

2) Mr. Engineer, the learned counsel appearing for the Applicant now submits that the Applicant does not wish to withdraw the deposited amount on account of difficulties in submitting the Bank Guarantee as directed by the Court. Accordingly, order dated 19 September 2025 allowing Interim Application No.4095 of 2025 is recalled. Interim Application No.4095 of 2025 is not pressed by the Applicant and the same is accordingly **disposed of**.

Interim Application (L) No.36426 OF 2024:-

3) Mr. Godbole, the learned Senior Advocate appearing for the Applicant-MCGM would submit that the awarded amount alongwith interest thereon until 24 March 2025 has been deposited in this Court in the form of fixed deposit receipts. This Court has already stayed execution of the impugned Award by order dated 24 March 2025 upon making of the deposit. Accordingly, the Award shall remained stayed during pendency of the Arbitration Petition.

4) Interim Application is accordingly **disposed of**.

INTERIM APPLICATION (L) NO.14787 OF 2025:-

5) Mr. Godbole, the learned Senior Advocate appearing for the Applicant-MCGM would submit that prayers made in the Interim Application no longer survives on account of various orders passed by the Court from time to time.

6) Interim Application is accordingly **disposed of**.

COMMERCIAL ARBITRATION PETITION (L) NO.35800 OF 2024:-

- 7) List the Petition for hearing on **26 November 2025 at 4.30 p.m.**

[SANDEEP V. MARNE, J.]