

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.5595 OF 2025

IN

COMMERCIAL ARBITRATION PETITION NO.290 OF 2025

Mahalaxmi Transport Private Limited

....Applicant

Versus

Essel Lucknow Raebareli Tolls Roads Ltd.

....Respondent

Mr. Kazan Shroff a/w. *P.V. Narendran i/b. Lex Legal & Partners, Advocates for Applicant.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : OCTOBER 06, 2025

ORDER :

1. This is an application seeking withdrawal of the amounts deposited by the original Petitioner (the Respondent herein) in Court pursuant to a challenge under Section 34 of the Arbitration and Conciliation Act, 1996 (***“the Act”***) to an Arbitral Award dated July 2, 2024.

2. The original Respondent (the Applicant herein) is a Micro Enterprise and a protectee of The Micro, Small and Medium Enterprises Development (MSMED) Act, 2006 (***“MSMED Act”***). Considering that this is a Micro Enterprise, the request is to secure the amounts withdrawn by deposit of title deeds to certain immovable

properties, it would be important to hear the Respondent before taking a final view in the matter.

3. The list of properties sought to be provided as security is set out in Exhibit 'D'. The Applicant shall also bring a valuation report to demonstrate the value of these properties to consider whether it is worth accepting as suggested by the Applicant.

4. It is often seen that the protectees of the MSMED Act end up not enjoying the fruits of arbitration despite being judgement creditors in the arbitration proceedings. In the interregnum they face acute financial constraints and the conventional thinking on conditions for withdrawal may have to be validly departed from. However, to enable the Respondent to present its say, stand over to ***October 15, 2025*** on the ***Supplementary Board***.

5. 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.]