

**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 Pvt. Ltd.	...	Applicant/ Respondent
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In the matter between:

Essel Lucknow Raebareli Toll Roads Ltd.	...	Petitioner
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vs.

Mahalaxmi Transport Pvt. Ltd.	...	Respondent
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**WITH
INTERIM APPLICATION NO. 2032 OF 2025
IN
COMMERCIAL ARBITRATION PETITION NO. 290 OF 2025**

Mr. Kazan Shroff a/w. Mr. Vikash Kumar and Mr. Vineet Tiwari, i/b. Lex Legal & Partners for applicant in IA/5595/25 and respondent in CARBP/290/25.

Mr. Anoshak Davar a/w. Mr. Shravan Purohit, i/b. Mr. Nikhil Mishra for petitioner.

CORAM : MANISH PITALE, J

DATE : 19th DECEMBER, 2025

P.C. :

Interim Application No.5595 of 2025:

. Heard learned counsel for the parties.

2. By this application, the applicant (original respondent) has prayed for permission to withdraw the awarded amount deposited by the original petitioner, in furtherance of the orders passed by this Court. In the application itself, it is stated that the applicant is ready to offer immovable properties as security, by depositing the original title deeds in this Court, as a condition for withdrawing the amount.

3. In support of the prayer, the learned counsel for the applicant relies upon the contents of the application and the documents filed therewith, including an additional affidavit filed in the application.

4. The immediate urgency projected on behalf of the applicants, pertains to demand notices issued by the Goods and Services Tax (GST) department. Copies of the same have been annexed to the application. It is further pleaded that the applicant being a micro, small and medium enterprise, is facing severe financial constraint and therefore, this Court may consider allowing the application.

5. The learned counsel for the respondent opposed the prayer made in the present application and he submitted that the properties being offered by way of security, are located in Lucknow and this is an aspect, which ought to be taken into consideration by this Court. It is further submitted that the copies of demand notices annexed to the application, do not bring out clearly as to the actual liability of the applicant towards GST. It is further submitted that if the actual liability is specified, this Court may allow the application to that extent. But, no further amount may be permitted to be withdrawn, as the original petitioner has a strong case on merits.

6. During the course of arguments, the learned counsel for the applicant fairly brought to the notice of this Court that in pursuance of the notice annexed to the application, eventually an order was passed under Section 73 of the GST Act on 19.09.2025, raising a demand of ₹ 52,34,672/- as outstanding dues. It was emphasized that apart from the said liability, being a micro, small and medium enterprise, the applicant requires funds to ensure its survival and to take care of its day-to-day operations.

7. Having considered the rival submissions and material placed on record, this Court finds that in the application as well as the additional affidavit, the applicant has placed on record details of 11 immovable properties along with valuation reports, showing that on the basis of ready reckoner prices, the total value of the said properties would come to about ₹ 6,50,78,060.

8. This Court finds substance in the contention raised on behalf of the applicant that the immediate urgency pertains to the aforesaid demand of the GST department for amount of ₹ 52,34,672/- as outstanding dues towards GST and there is also substance in the contention that some relief ought to be granted to the applicant, considering the fact that it is micro, small and medium enterprise, which appears to be facing some financial hardship. Taking into consideration the material placed on record, this Court is inclined to partly allow the application.

9. Accordingly, the application is partly allowed and the applicant is permitted to withdraw an amount of ₹ 2,50,00,000, upon depositing original title deeds pertaining to all the 11 properties specified in the application and the additional affidavit, with the Prothonotary and Senior Master of this Court.

10. The Prothonotary and Senior Master shall satisfy himself about the veracity of the said original title deeds and upon verification, the aforesaid amount of ₹ 2,50,00,000, shall be forthwith credited to the applicant's account, details of which shall be provided by the applicant.

11. Additionally, the applicant shall submit an undertaking within four weeks before this Court, that in the event the petition is allowed, it shall bring back the aforesaid amount with interest, as may be determined by this Court.

12. Application is disposed of.

Commercial Arbitration Petition No.290 of 2025:

13. The petitioner is permitted to file compilation of documents and respondent is permitted to file reply affidavit, if any, within four weeks from today.

14. Rejoinder affidavit, if any, be filed within two weeks thereafter.

15. List the petition for further consideration on 12.02.2026.

16. The learned counsel for the parties assure this Court that the oral arguments shall be completed in 30 minutes each by the learned counsel for the parties.

(MANISH PITALE, J.)

Priya Kambli