

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL DIVISION**

**INTERIM APPLICATION NO.3692 OF 2023  
IN  
COMMERCIAL EXECUTION APPLICATION NO. 80 OF 2023**

**SOWIL LIMITED )...APPLICANT**

**V/s.**

**EXECUTIVE ENGINEER PUBLIC WORKS )  
DEPARTMENT )...RESPONDENT**

Mr.Shardul Singh a/w. Mr.Navankur Pathak and Mr.Smeet i/by  
Saikrishna & Associates, Advocate for the Applicant.

Mr.Navin Arora, through video conferencing, Advocate for the  
Respondent.

Mr.Rabipad Manjhi, Executive Engineer (NH), Deoghar, present in  
person.

**CORAM : ABHAY AHUJA, J.**

**DATE : 22<sup>nd</sup> JANUARY 2026**

**PC. :**

1. When the matter is called out, Mr.Shardul Singh, learned  
Counsel, appears for the Applicant and submits that neither any  
payment has been made, as directed by this Court, nor disclosures have  
been filed and that this Court may issueailable warrants against the  
Respondent and the concerned secretary.

2. Mr.Navin Arora, learned Counsel, appears through video conferencing and submits that Mr.Rabipad Manjhi, Executive Engineer (NH), Deoghar, is present in Court along with a demand draft. Mr.Manjhi tenders across the bar a demand draft for Rs.4,35,15,924/- issued in the name of the Registrar, Bombay High Court, to be deposited in this Court. Mr.Arora submits that the demand draft is being tendered to be deposited in this Court as statedly another arbitration is pending between the parties in Delhi.

3. Mr.Singh appearing for the Applicant submits that the principal amount is Rs.1,50,52,342/- and the interest calculated in accordance with the Micro, Small and Medium Enterprise Development Act, 2006 (the "MSMED Act") as on date is Rs.4,43,90,857/- and that with the GST of Rs.79,90,354/-, the total outstanding amount as on date from the Respondent to the Applicant in respect of the project "Consultancy services for Project Management Phase-I including preparation of DPR for up-gradation of the road stretch (NH Declaration approved in principle) Godda-Sundarpahari-Pakur Section in the "State of Jharkhand to 2L/4L with paved shoulder configuration LOT-III (Total Length-87 km)" is Rs.6,74,33,553/-, and therefore, this Court may in addition to the amount sought to be deposited, direct that the balance

amount also be deposited in this Court or in the alternative, to be paid to the Applicant.

4. Mr.Singh submits that against the award, a Writ Petition No.6715 of 2024 had been filed earlier which had been dismissed by the Court on 1<sup>st</sup> July 2024 and that there is neither any stay to the execution of the award nor any challenge pending to the same. Mr.Singh also submits that, therefore, this Court may permit withdrawal of the amount that would be deposited in this Court.

5. It is observed that the demand draft is in the name of the Registrar, Bombay High Court, although the same ought to have been in the name of the Prothonotary & Senior Master of this Court. However, since the demand draft is in the name of the Registrar of Bombay High Court, let the said demand draft be deposited in the name of the Registrar, Bombay High Court to be accounted for to the account of the Prothonotary & Senior Master of this Court in this matter.

6. As regards the balance amount, Mr.Arora for the Respondent appearing through video conferencing submits that since there is a

dispute with respect to the interest calculation as to the date from which the interest under the MSMED Act is to be calculated, there appears to be a gap in the amount of the demand draft and the amount as submitted by Mr.Singh for the Applicant.

7. Let the Respondent submit the working of the amount mentioned in the demand draft to the Applicant / Applicant's Advocate and let the Applicant / Applicant's Advocate revert on the same by the next date.

8. List on **5<sup>th</sup> March 2026**.

9. Liberty to the Applicant to take out an appropriate application for withdrawal of the amount deposited in this Court.

**(ABHAY AHUJA, J.)**