

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

INTERIM APPLICATION NO. 1251 OF 2026
IN
COMMERCIAL EXECUTION APPLICATION NO. 80 OF 2023

Sowil Limited ...Applicant
Vs.
Executive Engineer Public Works Department ...Respondent

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

Mr. Shardul Singh with Mr. Navankur Pathak, Mr. Smeet and Mr. Thomas George i/b Saikrishna & Associates for the Applicant.
Mr. Navin Arora for the Respondent.

CORAM : ABHAY AHUJA, J.
DATE : 28th APRIL, 2026

PC. :

Interim Application No. 1251 of 2026

1. This Interim Application seeks withdrawal of the amount deposited by the Judgment Debtor in this Court.
2. When the matter is called out, Mr. Singh, learned Counsel appearing for the Execution Applicant submits that this Interim Application has been taken out pursuant to the liberty granted by this Court vide order dated 22nd January, 2026, for withdrawal of the amount deposited in this Court by the Judgment Debtor. Mr. Singh

submits that as recorded in the order dated 22nd January, 2026, the only challenge against the award was by way of a Writ Petition which has been dismissed. Mr. Singh further reiterates that there is no stay to the execution of the award nor any challenge to the same is pending. That, therefore, this Court may direct the Prothonotary & Senior Master of this Court to permit withdrawal of the amount in terms of prayer Clause (a) to the Interim Application, subject to usual undertaking.

3. Mr. Arora, learned Counsel appearing for the Respondent confirms that there is no challenge pending against the award, however learned Counsel opposes this Interim Application, although no reply has been filed.

4. It is observed from the order dated 24th February, 2026 that this Court had made it clear that if none appears for the Respondents on the next date or no reply has been filed, this Court will pass appropriate orders after considering the submissions recorded in the order dated 24th February, 2026.

5. Having heard the learned Counsel and having considered their submissions and noting the order dated 24th February, 2026, this Court is of the view that the Interim Application be allowed in terms of prayer

Clause (a), which reads thus:-

“a. that the Applicant be permitted to withdraw the deposited amount of Rs. 4,35,15,924/ (Rupees Four Crores Thirty Five Lakhs Fifteen Thousand Nine Hundred and Twenty Four only) deposited by the Respondents as recorded in the Order dated January 22, 2026, passed in the captioned Interim Application No. 3692 of 2023 along with the interest as on date of allowing the Application.”

6. The Prothonotary & Senior Master of this Court to permit the withdrawal, subject to usual undertaking and due verification.

7. The Interim Application No. 1251 of 2026 is accordingly allowed and disposed as above.

Interim Application No. 3692 of 2023 and Execution Application No. 80 of 2023

8. Mr. Singh points out that by order dated 22nd January, 2026, the Respondent was directed to submit a working of the interest which has not been done till date.

9. Let the Respondent do the needful within a period of three weeks and thereafter, within a period of two weeks let the Applicant respond.

10. List on **7th July, 2026.**

(ABHAY AHUJA, J.)