

BEFORE THE SOLE ARBITRATOR

HON'BLE MR. NARESH PATIL

(FORMER CHIEF JUSTICE OF THE BOMBAY HIGH COURT)

IN THE MATTER OF ARBITRATION BETWEEN

Supreme Manor-Wada-Bhiwandi
Infrastructure Private Limited.

... Claimant

V/S

Sate Of Maharashtra Through,
The Executive Engineer Jawahar.
Public Works Department.

... Respondent

**STATEMENT OF ADMISSION /DENIAL BY THE RESPONDENT TO THE
DOCUMENTS SUBMITTED BY THE CLAIMANT**

Sr. & Pg.	Particulars	Admission/ Denials/ Remarks	Pg. and Para. No. in SOC	Pg. No. in LOD
1	EXHIBIT – 1 Order of Hon'ble High Court of Judicature at Bombay dated 22.11.2019	Existence of this document and correctness of its contents are admitted .	<i>Pg. No. 2 Para. No. 1</i>	<i>Pg. No. 01 – 03 [VOL- I]</i>
2	EXHIBIT – 2 Tender Notice	Existence of this document and correctness of its contents are admitted .	<i>Pg. No. 4 Para. No. 4(a)</i>	<i>Pg. No. 04 - 15 [VOL- I]</i>
3	EXHIBIT – 3 Tender Documents	Existence of this document and correctness of its contents are admitted .	<i>Pg. No. 4 Para. No. 4(b)</i>	<i>Pg. No. 16 - 520 [VOL- I]</i>
4	EXHIBIT – 4 Letter of Acceptance dated 24.09.2009 awarding the subject work	Existence of this document admitted but correctness of its contents are not admitted and denied .	<i>Pg. No. 4 Para. No. 4(c)</i>	<i>Pg. No. 521- 525 [VOL- II]</i>
5	EXHIBIT – 5 Memorandum of Understanding dated 18.12.2009	Existence of this document and correctness of its contents are not admitted and denied .	<i>Pg. No. 4 Para. No. 4(d)</i>	<i>Pg. No. 526 - 541 [VOL - II]</i>
6	EXHIBIT – 6 Special Purpose	Existence of this document and correctness of its contents are not admitted and denied .	<i>Pg. No. 4 & 5 Para. No.</i>	<i>Pg. No. 542 - 546 [VOL - II]</i>

	Vehicle Agreement (SPV) dated 18.12.2009		4(e)	
7	EXHIBIT – 7 Concession Agreement dated 8.3.2010	Existence of this document and correctness of its contents are admitted .	<i>Pg. No. 5 Para. No. 4(f)</i>	Pg. No. 547 - 548 [VOL - II]
8	EXHIBIT – 8 Common Agreement Loan dated 30.08.2010	Existence of this document and correctness of its contents are not admitted and denied .	<i>Pg. No. 6 & 7 Para. No. 4(i)</i>	Pg. No. 549 - 700 [VOL - II]
9	EXHIBIT – 9 Substitution Agreement dated 31.08.2010	Existence of this document and correctness of its contents admitted .	<i>Pg. No. 7 & 8 Para. No. 4(j)</i>	Pg. No. 701 - 714 [VOL - II]
10	EXHIBIT – 10 Work Order dated 11.10.2010 issued by Respondent	Existence of this document and correctness of its contents are admitted .	<i>Pg. No. 8 & 9 Para. No. 4(m)</i>	Pg. No. 715 - 716 [VOL - II]
11	EXHIBIT – 11 Claimant's letter to Respondent dated 15.12.2011	Existence of this document and correctness of its contents are not admitted and denied .	<i>Pg. No.10 Para. No. 4(p)(iv)</i>	Pg. No. 717 - 718 [VOL - II]
12	EXHIBIT – 12 Claimant's letter to Respondent dated 12.10.2012	Existence of this document is admitted but correctness of its contents are not admitted and denied .	<i>Pg. No.11 Para. No. 4(q)</i>	Pg. No. 719 - 730 [VOL - II]
13	EXHIBIT – 13 Executive Engineer's letter dated 01.10.2012	REMARK: The said exhibit is not annexed in the SOC/LOD.	<i>Pg. No.11 Para. No. 4(r)</i>	---
14	EXHIBIT – 14 Superintending Engineer's letter dated 12.11.2012	Existence of this document and correctness of its contents are admitted . REMARK: This is internal letter between Superintendent of Engineer to The Chief Engineer of PWD. Therefore, Claimant would require to prove/ satisfy possession of the same in there custody.	<i>Pg. No.11 Para. No. 4(r)</i>	Pg. No. 731 - 732 [VOL - II]

15	EXHIBIT – 15 Chief Engineer's letter dated 08.01.2013	Existence of this document and correctness of its contents are admitted . REMARK: This is internal letter between Superintendent of Engineer to The Chief Engineer of PWD. Therefore, Claimant would require to prove/ satisfy possession of the same in there custody.	<i>Pg. No.11</i> <i>Para. No. 4(r)</i>	Pg. No. 733 - 736 [VOL - II]
16	EXHIBIT – 16 Completion Certificate dated 27.02.2013	Existence of this document and correctness of its contents are admitted .	<i>Pg. No.12</i> <i>Para. No. 4(t)</i>	Pg. No. 737 [VOL - II]
17	EXHIBIT – 17 Notification dated 01.03.2013 issued by Respondent	Existence of this document and correctness of its contents are admitted .	<i>Pg. No.12</i> <i>Para. No. 4(u)</i>	Pg. No. 738 - 739 [VOL - II]
18	EXHIBIT – 18 2nd Work Order dated 26.07.2013 issued by the Respondent	Existence of this document and correctness of its contents are admitted .	<i>Pg. No.13</i> <i>Para. No. 4(w)</i>	Pg. No. 740 [VOL - II]
19	EXHIBIT – 19 Common Loan Agreement dated 30.07.2013	Existence of this document and correctness of its contents are not admitted and denied .	<i>Pg. No.13</i> <i>& 14</i> <i>Para. No. 4(x)</i>	Pg. No. 741 - 867 [VOL - II]
20	EXHIBIT – 20 The entire correspondence and various orders relating to hurdle in respect of the Bypass road		<i>Pg. No.15</i> <i>Para. No. 4(z)</i>	Pg. No. 868 - 910 [VOL - II]
20.1	Letter dated 20 th November, 2018 addressed by Claimant to Respondent	Existence of this document is admitted but correctness of its contents are not admitted and denied .	<i>Pg. No.15</i> <i>Para. No. 4(z)</i>	Pg. No. 868 - 870 [VOL - II]
20.2	Letter dated 02 nd March, 2016 addressed by Respondent to Claimant.	Existence of this document and correctness of its contents are admitted .	<i>Pg. No.15</i> <i>Para. No. 4(z)</i>	Pg. No. 871 [VOL - II]
20.3	Letter dated 07 th May, 2015	Existence of this document and correctness of its contents are	<i>Pg. No.15</i> <i>Para. No.</i>	Pg. No. 872

	addressed by Tahsildar to Claimant	admitted.	4(z)	[VOL - II]
20.4	Letter dated 07 th May, 2015 addressed by Tahsildar to Claimant	Existence of this document and correctness of its contents are admitted.	<i>Pg. No.15 Para. No. 4(z)</i>	Pg. No. 873 [VOL- II]
20.5	Order dated 31 st October, 2015 passed by Civil Judge (SD) Bhivandi	Existence of this document admitted.	<i>Pg. No.15 Para. No. 4(z)</i>	Pg. No. 874 - 878 [VOL - II]
20.6	Injunction Application dated 08 th May, 2015 filed by the Claimant in (SD) Bhivandi Court.	Existence of this document is admitted but correctness of its contents are <u>not</u> admitted and denied.	<i>Pg. No.15 Para. No. 4(z)</i>	Pg. No. 879 - 886 [VOL - II]
20.7	Letter dated 04 th February, 2015 from Claimant to Respondent.	Existence of this document is admitted but correctness of its contents are <u>not</u> admitted and denied.	<i>Pg. No.15 Para. No. 4(z)</i>	Pg. No. 887 - 888 [VOL - II]
20.8	Letter dated 30 th April, 2016 internal between Respondent.	Existence of this document is admitted but correctness of its contents are <u>not</u> admitted and denied.	<i>Pg. No.15 Para. No. 4(z)</i>	Pg. No. 889 - 892 [VOL - II]
20.9	Letter dated 17 th December, 2015 addressed by Claimant to Mr. V. G. Mhatre alongwith annexures	Existence of this document is <u>not</u> admitted and correctness of its contents are also <u>not</u> admitted and denied.	<i>Pg. No.15 Para. No. 4(z)</i>	Pg. No. 893- 907 [VOL - II]
20.10	Letter dated 03 rd August, 2012 internal between Respondent.	Existence of this document and correctness of its contents are admitted.	<i>Pg. No.15 Para. No. 4(z)</i>	Pg. No. 908 - 909 [VOL - II]
20.11	Letter dated 21 st April, 2011 addressed by Respondent to Dy. Conservator of Forest.	Existence of this document and correctness of its contents are admitted.	<i>Pg. No.15 Para. No. 4(z)</i>	Pg. No. 910 [VOL - III]
21	EXHIBIT – 21 Respondent's Order dated 21.08.2016 to Claimant to stop the Toll collection	Existence of this document and correctness of its contents are admitted.	<i>Pg. No.17 Para. No. 4(cc)</i>	Pg. No. 911 - 912 [VOL - III]
22	EXHIBIT – 22 Order of Hon'ble High Court of	Existence of this document and correctness of its contents are admitted.	<i>Pg. No.18 Para. No. 4(ee)</i>	Pg. No. 913 [VOL - III]

	Judicature at Bombay dated 19.12.2016			
23	EXHIBIT – 23 Order of Hon'ble High Court of Judicature at Bombay dated 9.12.2016 in Arbitration Petition 66 of 2017	Existence of this document and correctness of its contents are admitted.	<i>Pg. No.19 Para. No. 4(ff)</i>	Pg. No. 914 [VOL - III]
24	EXHIBIT – 24 Copy of Maharashtra Engineering Research Institute (MERI) report	Existence of this document and correctness of its contents are admitted.	<i>Pg. No.19 Para. No. 4(ff)</i>	Pg. No. 916 - 922 [VOL - III]
25	EXHIBIT – 25 A statement showing the amounts due and payable by the Respondent to the claimant	Existence of this document is not admitted and correctness of its contents are also not admitted and denied	<i>Pg. No.19 & 20 Para. No. 4(gg)</i>	Pg. No. 923 [VOL - III]
26	EXHIBIT – 26 Compilation of various orders, bills raised and correspondence exchanged between the Claimant and Respondent	Existence of some of this document are admitted but correctness of all documents and its contents are not admitted and denied.	<i>Pg. No.22 Para. No. 4(jj)(iii)</i>	Pg. No. 924 - 1032 [VOL- III]
27	EXHIBIT – 27 Notice of termination dated 11.10.2019	Existence of this document and correctness of its contents are admitted.	<i>Pg. No.23 Para. No. 4(kk)</i>	Pg. No. 1033 - 1034 [VOL- III]
28	EXHIBIT – 28 Claimant's reply to the termination notice dated 17.10.2019	Existence of this document is admitted but correctness of its contents are not admitted and denied.	<i>Pg. No.23 Para. No. 4(kk)</i>	Pg. No. 1035 - 1038 [VOL - III]
29	EXHIBIT – 29 Claimant's Advocate letter dated 1.11.2019 to Respondent	Existence of this document is admitted but correctness of its contents are not admitted and denied.	<i>Pg. No.25 Para. No. 4(qq)</i>	Pg. No. 1039 - 1046 [VOL - III]

30	EXHIBIT – C1 Certificate dated 19.02.2020 issued by the Statutory Auditor certifying the debt.	Existence of this document and correctness of its contents are <u>not</u> admitted and denied.	<i>Pg. No.31 Para. No. 5</i>	Pg. No. 1047 - 1048 [VOL - III]
31	EXHIBIT – C2 Certificate dated 19.02.2020 issued by Statutory Auditor certifying the equity.	Existence of this document and correctness of its contents are <u>not</u> admitted and denied.	<i>Pg. No.31 Para. No. 5</i>	Pg. No. 1049 [VOL - III]
32	EXHIBIT – C3 Claimant's Advocate letter dated 19.02.2020.	Existence of this document are admitted but correctness of its contents are <u>not</u> admitted and denied.	<i>Pg. No.32 Para. No. 5</i>	Pg. No. 1050 - 1053 [VOL - III]
33	EXHIBIT – C4 Working sheet and other documents to prove the loss of profit in claim No. 2	Existence of this document and correctness of its contents are <u>not</u> admitted and denied.	<i>Pg. No.34 Para. No. 5</i>	Pg. No. 1054 - 1055 [VOL - III]
34	EXHIBIT – C5 Various letter/order/documents exchanged between the parties	Existence of some of this document are admitted but correctness of all documents and its contents are <u>not</u> admitted and denied	<i>Pg. No.34 Para. No. 5</i>	Pg. No. 1056 - 1108 [VOL - III]
35	EXHIBIT – C6 The relevant documents in support of this claim No.4	Existence of some of the part of the document are admitted but correctness of all documents and its contents are <u>not</u> admitted and denied	<i>Pg. No.34 Para. No. 5</i>	Pg. No. 1109 - 1161 [VOL - IV]
36	EXHIBIT – C7 The relevant documents in support of this claim No.5	Existence of some of the part of the document are admitted but correctness of all documents and its contents are <u>not</u> admitted and denied	<i>Pg. No.35 Para. No. 5</i>	Pg. No. 1162 - 1394 [VOL - IV]
37	EXHIBIT – C8 The relevant documents in support of this claim No.6	Existence of some of the part of the document are admitted but correctness of all documents and its contents are <u>not</u> admitted and denied	<i>Pg. No.35 Para. No. 5</i>	Pg. No. 1395 - 1482 [VOL - IV]
38	EXHIBIT – C9 The relevant documents in support of this claim No.7	Existence of the document are <u>not</u> admitted and denied and correctness of all documents and its contents are also <u>not</u> admitted and denied	<i>Pg. No.36 Para. No. 5</i>	Pg. No. 1483 - 1498 [VOL - IV]

39	EXHIBIT – C10 The relevant documents in support of this claim No.8	Except document pg no. 1501 to 1503 rest of the documents are not admitted and denied.	<i>Pg. No.37</i> <i>Para. No. 5</i>	Pg. No. 1499 - 1503 [VOL - IV & V]
40	EXHIBIT – C11 The relevant documents in support of this claim No.9	Existence of some of the part of the document are admitted but correctness of all documents and its contents are not admitted and denied	<i>Pg. No.37</i> <i>Para. No. 5</i>	Pg. No. 1504 - 1607 [VOL - V]
41	EXHIBIT – C12 The relevant documents in support of this claim No.10	Existence of some of the part of the document are admitted but correctness of all documents and its contents are not admitted and denied	<i>Pg. No.38</i> <i>Para. No. 5</i>	Pg. No. 1608 - 1661 [VOL - V]
42	EXHIBIT – C13 The relevant documents in support of this claim No.11	Existence of the document are not admitted and denied and correctness of all documents and its contents are also not admitted and denied.	<i>Pg. No.38</i> <i>Para. No. 5</i>	Pg. No. 1662 - 1672 [VOL - V]
43	EXHIBIT – C14 The relevant documents in support of this claim No.12	Existence of some of the part of the document are admitted but correctness of all documents and its contents are not admitted and denied.	<i>Pg. No.39</i> <i>Para. No. 5</i>	Pg. No. 1673 - 1774 [VOL - V]