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HSA Advocates Successfully Represents and Secures Significant Findings in Favour Of Mumbai Port Authority in High-Value PPP Arbitration

HSA Advocates represented Mumbai Port Authority (MbPA) in a high-value arbitration arising out of a Concession Agreement for the redevelopment, operation and maintenance of a 600-bedded Super Speciality Hospital at Mumbai Port on a Public-Private Partnership (PPP) basis.

The dispute primarily concerned whether the Claimant had achieved Financial Close in accordance with the Concession Agreement and, consequently, whether MbPA was justified in not declaring the Appointed Date and in terminating the Concession Agreement. The Claimant had, inter alia, sought alternative damages of INR 2,314.97 Crores.

By its Award, the Arbitral Tribunal returned significant findings in favour of MbPA, holding that the Claimant failed to achieve Financial Close, that MbPA was justified in not declaring the Appointed Date, and that the termination of the Concession Agreement was legal and valid. Significantly, the Arbitral Tribunal rejected the Claimant's substantial claims, including its claim for alternative damages of INR 2,314.97 crore, expected future profits and loss of opportunity, while allowing only a limited amount towards COVID-related infrastructure and incidental expenditure.

The outcome was achieved through a targeted dispute resolution strategy and deep contractual, technical and financial analysis deployed by HSA, including a detailed examination of the contractual framework in order to counter the claims as set up by the Claimant. The Award substantially accepts MbPA's

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position on the core contractual issues and significantly limits its exposure against the Claimant's multi-crore claims.

The Award underscores the effectiveness of HSA's strategic advocacy and technical expertise in complex, high-value PPP and infrastructure disputes.

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