

**PCA Case No. 2020-21**

In the matter of an arbitration under the Arbitration Rules of the United Nations  
Commission on International Trade Law 1976

and

The Agreement between the Government of the Republic of India and the Republic of  
Mozambique for the Reciprocal Promotion and Protection of Investment dated  
19 February 2009

-between-

**PATEL ENGINEERING LIMITED**  
**(INDIA)**

Claimant

-and-

**THE REPUBLIC OF MOZAMBIQUE**

Respondent

---

---

**PROCEDURAL ORDER NO. 7**

**POST-HEARING PROCEDURE**

---

---

THE ARBITRAL TRIBUNAL

Guido Santiago Tawil (Arbitrator)  
Hugo Perezcano Díaz (Arbitrator)  
Juan Fernández-Armesto (Presiding Arbitrator)

REGISTRY

Permanent Court of Arbitration

ADMINISTRATIVE SECRETARY

Sofia de Sampaio Jalles

23 December 2022

## **WHEREAS**

1. The evidentiary hearing [“**Hearing**”] took place from Monday 28 November to Saturday 3 December 2022, and on Monday 5 and Tuesday 6 December 2022, in Oporto, Portugal.
2. At the end of the Hearing, the Tribunal sent the Parties some guidelines for the post-Hearing submissions<sup>1</sup>. The Parties discussed and reverted to the Tribunal with their agreements regarding the post-Hearing procedure<sup>2</sup>.
3. In the present Order, the Tribunal sets out the rules applicable to the final limb of the procedure.

## **PROCEDURAL ORDER NO. 7**

### **1. TRANSCRIPTS**

4. Claimant will send proposed corrections to the Hearing transcripts [“**Transcript**”] to Respondent by 13 January 2023. Claimant will also at that time provide comments on any sections of the Transcript that it feels should be redacted from the versions that will be made public.
5. Respondent will provide comments to Claimant’s proposed corrections and redactions by 20 January 2023 as well as any additional corrections and redactions it proposes. Any disagreed corrections and redactions will be reflected in the Transcript and also be listed in a separate document.
6. The Parties will confer and will provide by 27 January 2023:
  - To the Court Reporter, all agreed corrections and redactions;
  - To the Tribunal, a list of all (if any) disputed corrections and redactions, with each Party’s proposal.
7. The Tribunal will review and rule upon the disputed corrections and redactions by 6 February 2023, copying the Court Reporter.
8. The Court Reporter will then incorporate the final corrections and redactions with the aim to circulate corrected Transcripts (confidential and public versions) to the Parties by 14 February 2023.

### **2. POST-HEARING BRIEFS**

9. The Parties will submit Post-Hearing Briefs [“**PHBs**”] in the form of skeleton arguments, with their positions in a condensed format and with cross-references to their previous written or oral submissions, as well as to the evidence available on

---

<sup>1</sup> Communication A 56.

<sup>2</sup> Communication C 80, sent on behalf of both Parties.

the record (including any evidence arising from the Hearing). The length of each PHB should not exceed 25 pages.

10. The submission of the PHBs shall take place via simultaneous exchange on 17 February 2023 with the assistance of the Tribunal Secretary, unless, for some reason the Court Reporter has been unable to circulate the corrected transcripts to the Parties.
11. In the latter case, PHBs will be exchanged two days after the final Transcript have been received by the Parties in order to allow them sufficient time to incorporate references to the corrected transcripts into their PHBs.

**3. STATEMENT OF COSTS**

12. Given that the Tribunal may have questions for the Parties after reviewing the PHBs, the Parties will submit their Statements of Costs [“SOCs”] four weeks after the Tribunal’s confirmation that it has no further questions for the Parties, to ensure that the SOCs contain the most up-to-date numbers.
13. The SOCs will be submitted simultaneously and should not exceed the length of six pages total consisting of five pages of argument and a single page of costs.
14. The single page of costs shall consist in an affidavit of each Party’s Chief Legal Counsel, breaking down the costs:
  - Between the different phases of the procedure (written submissions, document production, Hearing, etc.); and
  - By category (counsel, experts, disbursements to attend the Hearing, provisions on the costs of the arbitration, other expenses, etc.).
15. The Parties may use the following table as a model (the Parties may add more detail to their respective tables)<sup>3</sup>:

<b>Submissions on bifurcation</b>	
Counsel fees	[...]
Disbursements	[...]
<i>Total</i>	[...]
<b>Jurisdiction, merits and quantum</b>	
Counsel fees	[...]
Disbursements	[...]
Expert witnesses	[...]
Others (...)	[...]
<i>Total</i>	[...]
<b>Document production phase</b>	
Incurred in preparation of DPS	[...]

<sup>3</sup> Specifying the currency used.

Incurred in preparation of objections to DPS	[...]
<i>Total</i>	[...]
<b>Hearing</b>	
Counsel fees	[...]
Disbursements	[...]
Expert witnesses	[...]
Others (...)	[...]
<i>Total</i>	[...]
<b>Costs of the arbitration</b>	
PCA Deposit	[...]
<i>Total</i>	[...]
<b>Grand Total</b>	
	[...]

**4. DEMONSTRATIVE EXHIBITS**

16. For the sake of good order, the Tribunal hereby summarizes the evidence marshalled at the Hearing:

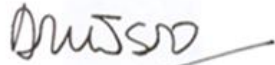
<b>H-1</b>	Claimant's Opening Presentation
<b>H-2</b>	Respondent's Opening Presentation
<b>H-3</b>	Claimant's Demonstrative for Examination of Respondent's fact witnesses
<b>H-4</b>	Claimant's Demonstrative for Day 4 of the Hearing
<b>H-5</b>	Mr. Baxter's Direct Presentation
<b>H-6</b>	Mr. Comer's Direct Presentation
<b>H-7</b>	Dr. Ehrhardt's Direct Presentation
<b>H-8</b>	Mr. Dysert's Direct Presentation
<b>H-9</b>	Mr. Sequeira's Direct Presentation
<b>H-10</b>	Mr. Dearman's Direct Presentation
<b>H-11</b>	Dr. Flores' Direct Presentation
<b>H-12</b>	Doc. C-395
<b>H-13</b>	Mr. LaPorte's Direct Presentation
<b>H-14</b>	Mr. Lanterman's Direct Presentation
<b>H-15</b>	Mr. Songer's Direct Presentation
<b>H-16</b>	Ms. Muenda's Direct Presentation
<b>H-17</b>	Claimant's Closing Presentation
<b>H-18</b>	Respondent's Closing Presentation

**5. NEW SUBMISSIONS OR EVIDENCE**

17. Henceforth, the Parties may not file new substantive submissions or marshal new evidence without the prior authorization of the Tribunal, upon a reasoned request by one Party and after having heard the counterparty.

Place of arbitration: The Hague, Netherlands

Date: 23 December 2022

A handwritten signature in black ink, appearing to read 'JFA', is written over a light blue rectangular stamp. The signature is fluid and cursive.

---

Juan Fernández-Armesto  
President of the Arbitral Tribunal