

**IN THE MATTER OF AN ARBITRATION UNDER THE ARBITRATION RULES OF
THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW 1976**

AND

**PURSUANT TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF INDIA AND THE REPUBLIC OF MOZAMBIQUE FOR THE
RECIPROCAL PROMOTION AND PROTECTION OF INVESTMENT**

BETWEEN

PATEL ENGINEERING LIMITED

Claimant

and

THE REPUBLIC OF MOZAMBIQUE

Respondent

**INDEX OF FACTUAL EXHIBITS
ORGANISED BY EXHIBIT NUMBER**

9 AUGUST 2021

Factual Exhibits Submitted with Claimant's Reply on the Merits and Response to Objections to Jurisdiction Organised by Exhibit Number		
Date	Number	Description
March 2011	C-4a	Preliminary Study to Assess Potential Port Locations in Zambezia to Connect the Moatize Coal Mines by Rail
Undated	C-196	Mozambique Coal Export Spreadsheet prepared by Kishan Daga
2013	C-197	Map of Mozambique's Rail Corridors
11 February 2011	C-198	Email from Rafique Jusob of Mozambique's Investment Promotion Centre to Kishan Daga of PEL regarding meeting
15 February 2011	C-199	Email from Kishan Daga of PEL to Rupen Patel of PEL regarding meeting with the Minister of Planning and Development
26 February 2011	C-200	Email from Isaias Muhate of the MTC to Kishan Daga of PEL attaching work plan and fee proposal
13 March 2011	C-201	Email exchange between Kishan Daga of PEL and Ashish Patel of PEL attaching draft of the MOI
18 April 2011	C-202	Email from Arquimedes Nhacule of Aries to Kishan Daga of PEL attaching Portuguese translation of the MOI
3 May 2011	C-203	Email from Judite Mula of Aries to Kishan Daga of PEL attaching the Portuguese version of the MOI
6 May 2011	C-204	Email from Rafique Jusob of Mozambique's Investment Promotion Centre to Fausto Mabota of Aries copying Kishan Daga of PEL attaching the Portuguese version of the MOI
7 May 2011	C-205	Email from Rafique Jusob of Mozambique's Investment Promotion Centre to Kishan Daga and Ashish Patel of PEL, attaching photo of the signing ceremony
7 May 2011	C-206	Email from Rafique Jusob of Mozambique's Investment Promotion Centre to Kishan Daga and Ashish Patel of PEL, attaching photo of the signing ceremony
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7 May 2011	C-215	Email from Rafique Jusob of Mozambique's Investment Promotion Centre to Kishan Daga and Ashish Patel of PEL, attaching photo of the signing ceremony
7 May 2011	C-216	Email from Rafique Jusob of Mozambique's Investment Promotion Centre to Kishan Daga and Ashish Patel of PEL, attaching photo of the signing ceremony
9 May 2011	C-217	Email from canon scan to Charan Singh and Kishan Daga of PEL attaching scan of the MOI in English
9 May 2011	C-218	Email from canon scan to Charan Singh and Kishan Daga of PEL attaching scan of the MOI in Portuguese
20 December 2013	C-219	Letter from Kishan Daga of PEL to Gabriel Muthisse of the MTC regarding Macuse Rail and Port Project
24 March 2011	C-220	Email from Ashish Patel of PEL to Kishan Daga of PEL regarding the MOI
18 April 2011	C-221	Email exchange between Kishan Daga of PEL and Ashish Patel of PEL regarding the MOI
14 April 2011	C-222	Email from Isaias Muhate of the MTC to Kishan Daga of PEL attaching draft of the MOI
21 March 2011	C-223	Email from Rahul Mundada of PEL to Kishan Daga of PEL attaching draft of the MOI

5 April 2011	C-224	Email from Sandeep Shetty to Kishan Daga of PEL attaching draft of the MOI
5 April 2011	C-225	Email from Ashish Patel of PEL to Rupen Patel of PEL and Sandeep Shetty with copy to Kishan Daga of PEL attaching draft of the MOI
9 May 2012	C-226	Chat between Kishan Daga of PEL and Arlanda Reis Cuamba of the MTC regarding presentation of the PFS
17 May 2012	C-227	Email from Jafar Ruby of the MTC to Kishan Daga of PEL attaching the presentation to the CFM
13 July 2012	C-228	Chat between Kishan Daga of PEL and Arlanda Reis Cuamba of the MTC regarding PEL's logo
26 June 2012	C-229	Email from Arlanda Reis Cuamba of the MTC to Kishan Daga of PEL regarding meeting with Odebrecht
1 August 2012	C-230	Memorandum for the Investment Council under the Framework of the Rio Tinto Project for the Development of an Integrated Transportation Corridor
24 November 2012	C-231	Email exchange between Jose Manuel Caldeira of Sal & Caldeira to Kishan Daga of PEL regarding tender for railway and port in Macuse
11 January 2013	C-232	Letter from Kishan Daga of PEL to Minister Zucula of the MTC regarding the meeting
8 March 2013	C-233	Side Letter between PEL, SPI, and Grindrod
15 July 2013	C-234	Technical Evaluation Report issued by the MTC Acquisition Management and Execution Office
22 November 2012	C-235	Article " <i>Mozambique Launches US\$2 billion international tender for railroad project</i> ", Macauhub Rail-port News
30 January 2013	C-236	MTC's Notice inviting to submit the expression of interest
2 August 2018	C-237	Salim, SS. and Abdala, AAM. Application of Adobe® Photoshop® CC 2018 for identifying colour laser printer source of Xerox® brand, Egyptian Journal of Forensic Sciences, 8:46 2018
3 August 2012	C-238	Memorandum of Understanding between Patel and SPI
7 August 2012	C-239	Email from Kishan Daga of PEL to Arlanda Reis Cuamba of the MTC regarding meeting with Odebrecht
26 July 2013	C-240	Financial Evaluation Report issued by the MTC Acquisition Management and Execution Office

29 July 2013	C-241	Letter from Kishan Daga of the PGS Consortium to the MTC expressing concerns over the MTC's handling of the tender
6 August 2013	C-242	Letter from Kishan Daga of the PGS Consortium to Minister Zucula of the MTC lodging information request on tender process
21 August 2013	C-243	Letter from Pedro August Ingles of the MTC to the PGS Consortium explaining complaints and appeals process
2 September 2013	C-244	Letter from Kishan Daga of the PGS Consortium to the MTC regarding amendment of the typographical errors
3 September 2013	C-245	Letter from Sal & Caldeira to President of Republic of Mozambique regarding tender for the concession of the Macuse railway and port project
23 September 2013	C-246	Letter from Kishan Daga of PEL to Mr Gabriel Serafim Muthisse of the MTC regarding the MOI
7 June 2011	C-247	M Riofrio, Why You Can't Print Counterfeit Money on Your Color Laser
2 August 2021	C-248	Letter from Vinod Chandnani of PEL regarding Kishan Daga's mailbox
25 March 2019	C-249	Article " <i>Mozambique: Former minister sentenced to 14 months in prison over undue payments to IACM workers</i> ", Club of Mozambique
24 April 2017	C-250	World Bank, <i>Public-Private Partnerships Reference Guide, Version 3</i>
30 March 2018	C-251	World Bank, <i>Benchmarking Public-Private Partnership Procurement 2017</i>
1 April 2018	C-252	World Bank, <i>Procuring Infrastructure Public-Private Partnership Report</i>
7 October 2020	C-253	World Bank, <i>Benchmarking Infrastructure Development Report</i>
1 August 2018	C-254	World Bank, <i>Policy Guidelines for Managing Unsolicited Proposals for Infrastructure Projects – Volume 1: Main Findings and Recommendations</i>
July 2017	C-255	World Bank, <i>Policy Guidelines for Managing Unsolicited Proposals for Infrastructure Projects – Volume 2: Guidelines for the development of a Policy for Managing Unsolicited Proposals in Infrastructure Projects</i>

1 August 2018	C-256	World Bank, <i>Policy Guidelines for Managing Unsolicited Proposals for Infrastructure Projects – Volume 3: Review of Experiences with Unsolicited Proposals in Infrastructure Projects</i>
December 2020	C-257	Province of Alberta, <i>Unsolicited Proposal Framework and Guidance</i>
September 2018	C-258	Government of South Australia, <i>Guidelines for the Assessment of Unsolicited Proposals</i>
March 2018	C-259	Australian Capital Territory, <i>The Partnership Alliance for Unsolicited Proposals</i>
16 March 2009	C-260	National Treasury, Republic of South Africa, <i>National Treasury Practice Note No. 11 of 2008 / 2009 – Unsolicited Proposals</i>
18 November 2020	C-261	World Bank, <i>Unsolicited Proposals</i>
November 2010	C-262	European PPP Expertise Centre, <i>Procurement of PPP and the use of Competitive Dialogue in Europe</i>
12 July 2011	C-263	Legally India, PPP Contracts Swiss Challenge Method and the Indian Law
28 February 2020	C-264	Article " <i>Mozambique: Embraer Bribe Comes to Trial</i> ", All Africa
27 May 2021	C-265	Article " <i>Mozambique: Appeals Court Order Release of Former Transport Minister</i> ", All Africa
16 April 2013	C-266	Letter from Mr Jose Maria Morais, High Commissioner of Mozambique in India, to Ms Maria Gustava of the Ministry of Foreign Affairs and Cooperation of Mozambique with attachments
5 June 2021	C-267	Email from Nathalie Allen of Addleshaw Goddard LLP to Juan Basombrio and Lincoln Loehrke of Dorsey & Whitney LLP regarding Document Inspection Protocol
16 June 2021	C-268	Email from Nathalie Allen of Addleshaw Goddard LLP to Juan Basombrio and Lincoln Loehrke of Dorsey & Whitney LLP regarding Document Inspection Protocol
29 June 2021	C-269	Letter from Sarah Vasani of Addleshaw Goddard LLP to the Tribunal, regarding the inspection protocol
1 July 2021	C-270	Letter from Juan Basombrio of Dorsey & Whitney LLP to the Tribunal, regarding originals of the MOI
4 May 2011	C-271	Email from Jose Manuel Caldeira to Kishan Daga and others attaching MOI

12 April 2011	C-272	Email from Sandeep Shetty to Kishan Daga of PEL attaching draft of the MOI
1998	C-273	Michel Kerf et al., Concessions for Infrastructure: a guide to their design and award (1998) (excerpt)
2008	C-274	ASIAN DEVELOPMENT BANK, Public-Private Partnership Handbook (2008) (excerpt)
2016	C-275	Zin Zawani et al., 'Malaysian experience with Public Private Partnerships (PPP) – managing unsolicited proposals', in Built Environment Project and Asset Management (2016) (excerpt)
3 August 2021	C-276	Letter from Vinod Chandnani of PEL regarding PEL's digital transformation
27 October 2018	C-277	Construction Times Award 2018
2017	C-278	Construction Times Award 2017
2011	C-279	ICI Outstanding Concrete Structure Award 2011
1994	C-280	Quality Construction Award 1994
	C-281	Grindrod Website, History Page: http://www.grindrod.co.za/Pages/History
	C-282	Port Maputo Website, Coal Terminal Page: https://www.portmaputo.com/terminal/coal-terminal/
	C-283	Grindrod Website, Grindrod Terminals Page: https://grindrod.co.za/Company/39/Grindrod-Terminals-
10 July 2018	C-284	China-Lusophone Brief Website, <i>Chinese-funded Moatize-Macuse Logistics Corridor scheduled to launch in 2019</i> : https://www.clbrief.com/major-infrastructure-project-coming-soon-with-chinese-engineering-and-financing/
Undated	C-285	Grindrod Limited, Geographic Profile
2008-2021	C-286	Thomson Reuters Eikon, API 4 Richards Bay (CO-FOBRBY-SA)
2008-2021	C-287	Bloomberg, Australia Coking Coal FOB Export Prices to India
December 2020	C-288	IEA, Coal 2020, Analysis and Forecast to 2025
February 2021	C-289	IEA, India Energy Outlook 2021

May 2019	C-290	Alok Shrivastava, Coal as a Market Driver for Port and Rail Infrastructure Development
2017	C-291	CFM, Annual Statistical Information
2019	C-292	CFM, Annual Statistical Information
2015	C-293	USGS, 2015 Minerals Yearbook Mozambique [Advance Release]
2021	C-294	AAR, All-Inclusive Index Less Fuel With Forecast Error Adjustment 4Q 2017
December 2009	C-295	Bent Flybvjerg, Survival of the Unfittest, Why the Worst Infrastructure Gets Built and What We Can Do About It
2017	C-296	Duff & Phelps, US Guide to Cost of Capital
10 December 2020	C-297	Duff & Phelps, Duff & Phelps Recommended U.S. Equity Risk Premium Decreased from 6.0 to 5.5
2017	C-298	Damodaran, Equity Risk Premiums (ERP): Determinants, Estimation and Implications - The 2017 Edition, Stern School of Business
June 2021	C-299	Pablo Fernandez, Market Risk Premium and Risk Free Rate used for 88 countries in 2021
1996-2019	C-300	PRS, International Country Risk
15 July 2021	C-301	Transnet SOC LTD Request for Proposal
11 April 2015	C-302	Damodaran, Aswath, The Small Cap Premium: Where is the Beef?
2009	C-303	Dimson E., Marsh P., Staunton M., Triumph of the Optimists
29 October 2011	C-304	Crain, Michael A., A Literature Review of the Size Effect
June 2014	C-305	Advisory Research, The Value and Size Effects in Emerging Markets, Advisory Research
22 January 2014	C-306	Bryan, Alex, Does the Small-Cap Premium Exist? Morningstar
21 January 2021	C-307	Financial Times, Vale Takes First Step to Divest Coal Assets
21 January 2021	C-308	Barclays, Vale, Moatize Cleanup Ahead of Sale

1 June 2013	C-309	PwC, Worldwide Tax Summaries, Corporate Taxes 2013-14
August 2015 - June 2021	C-310	Federal Reserve Economic Database (FRED), US Monthly Consumer Price Index for All Urban Consumers
2021	C-311	US Department of the Treasury, Daily Treasury Yield Curve Rates
July 2021	C-312	Damodaran, Historical ERP by Month
1 July 2021	C-313	Bloomberg, Unlevered Betas
July 2021	C-314	Damodaran, Country and Equity Risk Premiums
16 February 2016	C-315	OECD, Recent Market Developments in the Global Steel Industry
31 March 2008, 30 June 2008	C-316	Transnet Annual Financial Results
2010	C-317	Transnet, Annual Report
2012	C-318	Transnet, Annual Financial Statements
2008-2021	C-319	Bloomberg, EBITDA Margins 2008-2012
2013	C-320	US Department of the Treasury, Daily Treasury Yield Curve Rates
June 2013	C-321	Pablo Fernandez, Market Risk Premium and Risk Free Rate Used for 51 Countries in 2013
20 March 2013	C-322	Duff & Phelps, Duff & Phelps Decreases U.S. Equity Risk Premium to 5.0%, Effective February 28 2013
2013	C-323	Bloomberg, Unlevered Betas
July 2013	C-324	Damodaran, Equity Risk Premiums, Looking Backwards and Forwards
2013-2021	C-325	FRED, US Bank Prime Loan Rate
24 January 2011	C-326	Letter from PEL to the NHAI regarding Letter of Award
1 February 2011	C-327	Letter from PEL to the NHAI regarding bid security

3 February 2011	C-328	Letter from PEL to the NHAI regarding Non-acceptance of Letter of Award
24 February 2011	C-329	Show Cause Notice issued by the NHAI
1 March 2011	C-330	Letter from PEL to the NHAI regarding Reply to Show Cause Notice
27 January 2021	C-331	Email from Khody Detwiler to Nathalie Allen regarding an inquiry from Mozambique
2012	C-332	IEA, Medium Term Coal Market Report
July 2013	C-333	EIA, International Energy Outlook 2013
	C-334	Comparison of the UNCITRAL Jurisdictional Objections & Statement of Defence and the ICC Statement of Claim
19 May 2021	C-335	Mozambique's ICC Statement of Claim
23 September 2020	C-336	Letter from Antonio Veloso of Pimenta e Associados to the MTC regarding access to information request
2 October 2020	C-337	Letter from Antonio Manuel Mateus of the MTC to Pimenta e Associados regarding access to information request
14 October 2020	C-338	Letter from Antonio Manuel Mateus of the MTC to Pimenta e Associados regarding access to information request