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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO(OS) (COMM) 127/2020 & C.M.Nos. 26371-26373/2020**

GMR AMBALA CANDHIGARH EXPRESSWAYS PVT. LTD.

..... Appellant

Through: Mr.Kailash Vasudev, Sr.Advocate
with Mr.Atul Sharma, Mr.Milanka
Chaudhury, Mr.Sarojanand Jha,
Mr.Siddharth Mehra, Ms.Abhilasha
Singh and Mr.Dipan Sethi,
Advocates.

versus

NATIONAL HIGHWAY AUTHORITY OF INDIA..... Respondent

Through: Ms.Maninder Acharya, Sr.Advocate
with Mr.Suman Jyoti Khaitan,
Mr.Nubair Alvi, Mr.Viplav Acharya,
Mr.Krishnesh Bapat, Mr.Shikhar
Kishore, Advocates with Mr.Ashok
Tripathi, Legal Advisor, NHAI,
Mr.Pradeep Atri, PD-PIU,
Chandigarh, NHAI, Mr.Dheeraj
Upadhyay, Legal Department, NHAI
and Mr.Navneet Gupta, NHAI.

+ **FAO(OS) (COMM) 129/2020 & C.M.Nos. 26376-26378/2020**

GMR AMBALA CANDHIGARH EXPRESSWAYS PVT. LTD.

..... Appellant

Through: Mr.Abhishek Manu Singhvi,
Sr.Advocate with Mr.Atul Sharma,
Mr.Milanka Chaudhury,
Mr.Sarojanand Jha, Mr.Siddharth
Mehra, Ms.Abhilasha Singh and
Mr.Dipan Sethi, Advocates.

versus

NATIONAL HIGHWAY AUTHORITY OF INDIA & ANR

..... Respondents

Through: Ms.Maninder Acharya, Sr.Advocate
with Mr.Suman Jyoti Khaitan,
Mr.Nubair Alvi, Mr.Viplav Acharya,
Mr.Krishnesh Bapat, Mr.Shikhar
Kishore, Advocates with Mr.Ashok
Tripathi, Legal Advisor, NHAI,
Mr.Pradeep Atri, PD-PIU,
Chandigarh, NHAI, Mr.Dheeraj
Upadhyay, Legal Department, NHAI
and Mr.Navneet Gupta, NHAI.

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Date of Decision: 20th October, 2020

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE SANJEEV NARULA

J U D G M E N T

MANMOHAN,J: (Oral)

1. The appeals have been heard by way of video conferencing.
2. In view of the earlier Division Bench judgment of this Court in *Nussli Switzerland Ltd. Vs. Organizing Committee Commonwealth Games, 2010, 2014 SCC OnLine Del 4834* as well as that of the Bombay High Court in *Dirk India Private Limited Vs. Maharashtra State Electricity Generation Company Limited, 2013 SCC OnLine Bom 481*, which have held that a party whose claim has been rejected by the Arbitral Tribunal cannot maintain a Section 9 application for an interim relief, the present appeals along with pending applications are dismissed.
3. However, learned senior counsel for the appellants state that the appellants intend to approach the Supreme Court against this judgment as

well as the orders dated 24th September, 2020 passed by a learned Single Judge of this Court dismissing the appellants' applications being I.A.Nos.8412/2020 and 8417/2020 under Section 36 of the Arbitration Act. Accordingly, they state that the respondents be directed not to take any coercive action for a period of three weeks, as otherwise the prayer of the appellants for interim relief would become infructuous.

4. Keeping in view the aforesaid, it is directed that the respondents shall not take any coercive action against the appellants for a period of three weeks on account of the impugned orders passed by the learned Single Judge.

5. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

SANJEEV NARULA, J

**OCTOBER 20, 2020
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