



2024:DHC:7315



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **O.M.P. (I) (COMM) 326/2024, I.A. 40021/2024****MS REKHA KHAMPARIYA THROUGH ITS AUTHORISED
REPRESENTATIVE**

.....Petitioner

Through: Mr. Shivam Raghuwanshi, Mr.
K. Vikrant Singh and Mr. Ram Ji Dwivedi,
Advs.

versus

**NATIONAL HIGHWAYS AUTHORITY OF
INDIA THROUGH ITS GENERAL MANAGER
& ANR.**

.....Respondents

Through: Mr. Santosh Kumar, Mr.
Adithya Raman and Mr. Devansh Malhotra,
Advs.**CORAM:****HON'BLE MR. JUSTICE C.HARI SHANKAR****ORDER (ORAL)****19.09.2024**

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1. As Mr. Santosh Kumar, learned counsel for the respondents correctly points out, this petition cannot be maintained under Section 9 of the Arbitration and Conciliation Act, 1996¹, as there is no agreement having any arbitration clause, executed between the parties, placed on record.

2. To a specific query from the Court as to whether there is even an averment in the petition that the parties have entered into an agreement containing an arbitration clause, Mr. Shivam Raghuwanshi, learned Counsel for the petitioner is unable to point out any such

¹ "the 1996 Act", hereinafter



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avermment. He submits that the “difficulty” being faced by his client is that his client does not have any copy of the contract between his client and the NHAI but has been told that *possibly* the contract may contain an arbitration clause.

3. A petition under Section 9 of the 1996 Act cannot be maintained on such a presumption. In fact, there is not even a whisper of an averment in this petition that any such arbitration agreement between the parties may even *possibly* be in existence.

4. This petition cannot, therefore, lie under Section 9 of the 1996 Act on the basis of the material contained in the petition and the documents filed therewith.

5. Accordingly, the petition is dismissed. Liberty stands reserved, however, to the petitioner, to approach this Court with the appropriate material if it becomes available.

C.HARI SHANKAR, J

SEPTEMBER 19, 2024/aky

Click here to check corrigendum, if any

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By: AJIT KUMAR
Signing
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AN HARI SHANKAR
Signing Date: 22.09.2024
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