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

+ **ARB. A. (COMM.) 20/2025**

NATIONAL HIGHWAYS AUTHORITY OF INDIA Appellant
Through: Mr. Arun Kumar Verma, Senior
Advocate with Mr. Yash Kapoor and Mr. Ayush
Kumar, Advocates.

versus

MS ASHOKA BUILDCON LTDRespondent
Through: Mr. Akhil Sibal, Senior Advocate
with Mr. Sandeep Bajaj, Mr. Soayib Qureshi, Ms.
Chetna Alag, Mr. Nikhil S, Mr. Aman Wani and
Mr. Krishnesh Bapat, Advocates.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
26.09.2025

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1. This appeal is filed on behalf of the Appellant under Section 37(2)(b) of the Arbitration and Conciliation Act, 1996 ('1996 Act') laying a challenge to order dated 18.01.2025 passed by the Arbitral Tribunal under Section 17 of the 1996 Act.
2. During the course of hearing, it is agreed between the parties that without entering into the merits of the appeal, the same can be disposed of recording the understanding between the parties that the show cause notice dated 13.12.2024 is not the subject matter of adjudication before the Arbitral Tribunal, since Respondent has not raised any claim challenging its validity in the Statement of Claims. It is also agreed that both parties will be at liberty to exercise their rights and remedies independently, in respect of the



show cause notice after pronouncement of the award.

3. Accordingly, this appeal is disposed of, recording the terms of agreement between the parties, as aforementioned, without any expression on merits of the case. By the impugned order, the Arbitral Tribunal has restrained the Appellant from taking any steps pursuant to show cause notice dated 13.12.2024 during the pendency of the arbitration proceedings and since parties understand that the show cause notice is not the subject matter of adjudication by the Arbitral Tribunal and this is also evident from the observation of the Tribunal, the same warrants no interference.

4. Copy of the order will be communicated by the parties to the Arbitral Tribunal within two days from today.

5. Court appreciates the efforts put in by learned Senior Counsels and counsels on record for the parties in bringing an early closure to this appeal.

JYOTI SINGH, J

SEPTEMBER 26, 2025/YA