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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 122/2025**
SHINDE DEVELOPERS PRIVATE LIMITEDPetitioner

Through: Mr. Arvind Nigam and Mr. Ravi Prakash, Senior Advocates with Mr. Mahip Singh, Ms. Ayushi Pandey and Mr. Krishan Kumar, Advocates.

versus

THE NATIONAL HIGHWAYS AUTHORITY OF INDIA

.....Respondent

Through: Mr. Santosh Kumar, Standing Counsel with Mr. Kartik Gupta and Ms. Nidhi Rani, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

30.04.2025

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1. This petition is preferred on behalf of the Petitioner under Section 9 of the Arbitration and Conciliation Act, 1996 ('1996 Act') for restraining the Respondent, its agents, principal officers and all others acting on its behalf from invoking and encashing the following Bank Guarantees:-

(i) Performance Bank Guarantee dated 01.07.2021, bearing No. 0504IPEBG210014, for an amount of Rs. 4,69,80,916/-;

(ii) Additional Bank Guarantee dated 14.07.2021 bearing No. 0504IPEBG210015 (Part I), for an amount of Rs. 1,86,62,686/-;

(iii) Additional Bank Guarantee dated 14.07.2021, bearing No. 0504IPEBG210016 (Part II), for an amount of Rs. 1,68,341/-;



(iv) Additional Bank Guarantee dated 15.07.2021, bearing No. 12001/110/5136/04/10/29 (Part III), for an amount of Rs. 2,81,49,889/-; and

(v) Mobilization Bank Guarantee bearing No. 111/5136/12001/4/15/BG-0/15, dated 31.12.2021, for an amount of Rs. 5 crores.

2. Mr. Arvind Nigam, learned Senior Counsel for the Petitioner *inter alia* argues that the invocation of the Bank Guarantees is not in accordance with the terms of the Bank Guarantees. However during the course of hearing, it is admitted by the parties that so far Respondent has not invoked the Bank Guarantees and there is no letter to this effect to the concerned Bank. In my view, the petition is therefore premature.

3. In light of this, Mr. Arvind Nigam, learned Senior Counsel, on instructions, seeks to withdraw this petition with a direction to the Respondent to give seven working days notice to the Petitioner, as and when a decision is taken to invoke the Bank Guarantees. Mr. Santosh Kumar, learned Standing Counsel for the Respondent does not object to this course of action.

4. Accordingly, without entering into the merits of the case, this petition is disposed of as withdrawn. If and when the Respondent takes a decision to invoke the aforementioned Bank Guarantees, it shall give seven working days notice to the Petitioner to enable it to take appropriate remedies in accordance with law.

5. Interim order dated 08.04.2025 stands vacated.

JYOTI SINGH, J

APRIL 30, 2025/RW/shivam