



\$~O-50

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

+ **O.M.P.(I) (COMM.) 280/2025**

KNR RAMANATTUKARA INFRA PRIVATE LIMITED

.....Petitioner

Through: Mr. Dayan Krishnan, Sr. Adv. Mr. George Thomas, Dr. Amit George, Mr. Rishabh Dheer, Ms. Aishwarya Singh, Mr. Shreedhar Kale, Mr. Sukrit Seth, Mr. Prateek Srivastava, Mr. Sarthak Bhardwaj, Adv.

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA

.....Respondent

Through: Mr. Santosh Kumar, Standing Counsel and Ms. Nidhi Rani, Adv. for NHAI.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **07.08.2025**

1. On 18.07.2025, the Court passed the following directions:-

"8. Having seen the aforesaid expression, especially in the paragraph no. 14 and 15 of the aforesaid order, the Court is of the considered opinion that the impugned order has already lived its life.

9. The aforesaid order clearly stipulates that the same would remain in operation for a period of one month or till the completion of the investigation by the investigating committee whichever is later.

10. As stated by Mr. Santosh Kumar the investigation is over on 03.07.2025 and one month's period expires on 11.07.2025, which is a later date, therefore, order has lost its significance after 11.07.2025. Under the guise of suspension, the bar on petitioner's right to bid in future bidding seems to be a drastic measure. Therefore, the order dated 11.06.2025 should not be treated to be a disqualification anymore.



11. The Department, however, shall be at liberty to take further action in accordance with extant policy. 12. At this stage, no further observations are necessary, however, Mr.Santosh Kumar shall be at liberty to place on record the Department's comprehensive reply to the instant application before the next date of hearing.”

2. Thereafter, when the matter was called out on 25.07.2025, and Mr. Santosh Kumar, learned counsel who appeared for the respondent, was granted time to take instructions with respect to the submissions made by Mr. Dayan Krishnan, captured in paragraph No.2 of the order dated 25.07.2025. Order dated 25.07.2025 is extracted as under:-

“1. Mr Santosh Kumar, learned counsel who appears on behalf of the respondent, in deference to the observations made by this Court on 18.07.2025 submits that a letter has been issued to the petitioner along with the Expert Committee Report to explain certain deficiencies.

2. Mr Dayan Krishnan, learned Senior Counsel, who appears on behalf of the petitioner, on the other hand, contends that the petitioner will be submitting necessary reply to the said communication. He, however, submits that the petitioner would have no objection if the Court constitutes an Arbitral Tribunal and relegates the parties before the Arbitral Tribunal for adjudication of the entire dispute which essentially has arisen between the parties.

3. Mr. Santosh Kumar, learned counsel for the respondent, prays for time to take instructions on the aforesaid aspect.

4. List on 07.08.2025.”

3. Mr. Santosh Kumar, learned counsel for the respondent, submits on instructions that, as the petitioner has not yet invoked the arbitration clause, the respondent is presently unable to nominate an arbitrator; however, should the petitioner initiate arbitration proceedings, the respondent shall promptly undertake appropriate measures in conformity with the contractual terms and prevailing legal provisions.

4. It is now observed that, upon conclusion of the investigation, no fresh suspension order has been issued, and the prior order dated 03.07.2025, being limited to a duration of one month, expired on 11.07.2025, thereby



obviating any basis for apprehending coercive action by the respondent against the petitioner.

5. The order dated 18.07.2025 is unequivocal in signifying that, absent further action by the respondent, the earlier suspension order of 03.07.2025 stands lapsed as of 11.07.2025.

6. In these circumstances, while reserving liberty to the respondent as accorded in paragraph 11 of the aforesaid order, no additional directives are warranted at this juncture.

7. The matter stands disposed of.

8. All rights and contentions are left open.

9. If an Arbitral Tribunal is constituted pursuant to proceedings under Section 11 of the Arbitration and Conciliation Act, 1996, and should any precipitous measures be undertaken therein, the petitioner shall retain liberty to approach the Court for appropriate relief.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 7, 2025/P/SP