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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **O.M.P.(I) (COMM.) 454/2025**  
**M/S APS INFRA ENGINEERS PVT LTD** .....Petitioner

Through: Mr. Rajat Joneja, Mr. Chetan Wahi,  
Adv.

versus

**NATIONAL HIGHWAYS AUTHORITY OF INDIA & ANR.**

.....Respondents

Through: Mr. Santosh Kumar, Standing Counsel  
with Mr. Adithya Ramani, Adv.  
Ms. Medha Sachdev, Adv.

**CORAM:**  
**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**  
**14.11.2025**

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**I.A. 27694/2025**

1. This is an application under Section 151 of CPC, 1908 seeking to keep termination notice dated 03.11.2025 in abeyance.
2. For the reasons stated in the application, issue notice.
3. Mr. Kumar, Standing Counsel for the respondents, accepts notice.
4. Since the petition under O.M.P.(I) (COMM.) 454/2025 is disposed of, the application is disposed of as infructuous.

**O.M.P.(I) (COMM.) 454/2025**

5. This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking the following reliefs:  
*a. To pass an order for ad-interim injunction directing/restraining the Respondent No. 1, its officers,*



*employees, servants, and agents from terminating the Contract Agreement dated 29.06.2021 executed between the parties;*

*b. To direct the Respondent No. 1 not to take any coercive steps in terms of notice dated 08.09.2025, including engagement of third party contractors/agencies for operation and maintenance of the subject project i.c. Khatima bypass of Sitarganj Tanakpur, during the pendency of the arbitral proceedings;*

*c. To direct the Respondent to maintain status quo with respect to the rights and obligations under the Contract dated 29.06.2021”*

6. The parties are agreeable to the appointment of an Arbitrator. Therefore, with consent of the parties, the disputes between petitioner and respondent No.1 are referred to arbitration. The petition is allowed and the following directions are issued:-

- i) With consent of parties, Ms. Justice Rekha Palli (Retd. Judge Delhi High Court) (Mob. No.9810012120) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- ii) The remuneration of the learned Arbitrator shall be in terms of the Fourth Schedule of the Arbitration & Conciliation Act, 1996.
- iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- iv) It is made clear that all the rights and contentions of the parties,



including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims and merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator

7. The present petition shall be treated as an application under Section 17 of the Arbitration and Conciliation Act, 1996 and shall be disposed of expeditiously by the learned Arbitrator preferably within 2 weeks from entering reference as the petitioner is undergoing CIRP proceedings.
8. The petitioner is at liberty to amend the petition/ application under Section 9 of the Arbitration and Conciliation Act, 1996.
9. The present petition is disposed of in aforesaid terms.
10. The next date of hearing i.e. 25.11.2025 stands cancelled.

**JASMEET SINGH, J**

**NOVEMBER 14, 2025/sp**