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

+ O.M.P.(I) (COMM.) 456/2025

PNC INFRATECH LIMITED

.....Petitioner

Through: *Appearance not given.*

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIARespondent

Through: Mr. Ankur Mittal, Mr. Abhay Gupta
and Ms. Simran Goel, Advs.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

02.12.2025

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1. Learned Counsel appearing for the Petitioner points out a typographical mistake in Paragraph No.4 of the Order dated 03.11.2025 wherein the date of the first letter has been mentioned as “29.11.2011” instead of “29.11.2021”
2. In view of the above, Paragraph No.4 of the Order dated 03.11.2025 is modified to the aforesaid extent.
3. The present petition under Section 9 of the Arbitration and Conciliation Act, 1996 (*hereinafter referred to as “A&C Act”*) has been filed by the Petitioner seeking ad-interim relief before initiation of arbitration proceedings for adjudication of disputes which have arisen between the parties under an Engineering, Procurement and Construction contract for rehabilitation and augmentation of the existing road from km 73.000 (design chainage km 71.614) to km 175.00 (design chainage km



170.407) on the Nagina-Kahispur section of National Highway No.74 in the States of Uttarakhand and Uttar Pradesh under NHDP Phase-IV.

4. This Court on 03.11.2025 had passed an Interim Order directing the Respondent not to precipitate the issue and not to invoke the Performance Bank Guarantee of Rs. 57,78,50,000/-.

5. It is stated by the learned Counsel appearing for the Respondent/NHAI that the arbitration clause has been invoked and the Respondent has appointed its nominee Arbitrator and the Petitioner had already appointed its nominee Arbitrator while invoking arbitration.

6. Since nominee Arbitrators have already been appointed by the parties, the nominee Arbitrators are directed to appoint the Presiding Arbitrator expeditiously and the Arbitral Tribunal is directed to treat the present petition filed under Section 9 of the A&C Act as one filed under Section 17 of the A&C Act

7. In view of the fact that the invocation of the Performance Bank Guarantee has been stayed, the Arbitral Tribunal is directed to decide the Section 17 application and decide the same in accordance with law, preferably within a period of four months from today.

8. It is made clear that the observations made in the Interim Order dated 03.11.2025 was only *prima facie* in nature and was restricted only for grant of ad-interim ex-parte relief and not observations on the merits of the case. The Arbitral Tribunal is requested to consider the case on the basis of material adduced by both sides in accordance with law.

9. Needless to state the Interim Order dated 03.11.2025 shall continue till the disposal of Section 17 application by the Arbitral Tribunal.

10. With these observations, the petition is disposed of, along with



pending application(s), if any.

SUBRAMONIUM PRASAD, J

DECEMBER 2, 2025

S. Zakir