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

+ **O.M.P.(I) (COMM.) 508/2025**

M/S JAI PRAKASH AND SONS

.....Petitioner

Through: Mr. Saurav Singh Yadav, Adv.
Mr. Sunil Kumar Mittal, Advocate with Mr.
Anshul Mittal, Advocate
versus

UNION OF INDIA

.....Respondent

Through: Mr Vikram Jetly, CGSC with Mr. JK
Jain, Ms Shreya Jetly, Advocates and Ms Rupali
GP

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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15.12.2025

I.A. 31297/2025

Allowed subject to all just exceptions.

The application stands disposed of.

O.M.P.(I) (COMM.) 508/2025

1. This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking the following reliefs:-

“A. Direct the Respondent not to effectuate any recovery from the Petitioner in furtherance of its decision dated 28.11.2025 till adjudication of disputes by the Arbitration Tribunal;

B. Direct the Respondent Department not to initiate any unilateral recovery against the Petitioner firm till the Claims and Counter-Claims of the parties are adjudicated in the Arbitration proceedings;



C. Direct the Respondent Department to release the Performance Bank Guarantee of the Petitioner firm back to the Petitioner since the work in question already stands executed and no performance is left on the part of the Petitioner;

D. Direct the Respondent not to initiate any other coercive action against the Petitioner under Clause 2 or Clause 3 of the GCC without having the matter adjudicated before the Ld. Arbitrator;

E. Direct the Respondent to preserve all the relevant records pertaining to the Execution of work under the Contract between the parties;

F. Pass ex-parte ad-interim orders in terms of the prayers mentioned above in favour of the petitioner;”

2. For the reasons stated in the petition, issue notice to the respondent.
3. Mr. Jain, learned counsel accepts notice on behalf of the respondent.
4. Mr. Jetly, learned CGSC who appears along with Mr. Jain, learned counsel for the respondent states that the entire recovery has already been made and there is no further recovery which is intended to be made by the respondent.
5. Since the petitioner's primary prayer was to restrain the respondent from effectuating any recovery, in view of the statement of the learned CGSC for the respondent, the prayers of the petitioner have become infructuous.
6. For the said reasons, the petition is disposed of taking on record Mr. Mittal's, learned counsel for the petitioner, objection that the said



recovery made by the respondent was wrong and the illegal in law.

7. Since the issue of jurisdiction has not been adjudication, this order will not confer jurisdiction on the Court(s) in Delhi, as the issue of jurisdiction has not been examined by this Court. Needless to state that nothing has been stated on the merits of the matter.
8. As and when the Arbitral Tribunal adjudicates on the issue raised today, the order passed today will not have any bearing.
9. The present petition is disposed of in aforesaid terms.

JASMEET SINGH, J

DECEMBER 15, 2025 / (MS)