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

+ O.M.P. (COMM) 402/2017, I.A. 13331/2017, I.A. 13332/2017

NATIONAL HIGHWAY AUTHORITY OF INDIA.....Petitioner

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

versus

VIJAY ENGINEERING ENTERPRISES

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

03.12.2025

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1. In the present case, the petitioner has sought setting aside of the interim Award dated 18.08.2017 passed in Arbitration case titled "*Vijay Engineering Enterprises vs. NHAI.*"

2. The Arbitral Tribunal has already been re-constituted by the Hon'ble Supreme Court and the proceedings are pending before the Arbitral Tribunal.

3. Since the Arbitral Tribunal is seized of the matter, Mr. Mittal, learned counsel for the petitioner seeks to withdraw the petition with the following directions:

- a) In case, NHAI is aggrieved by the final award rendered by the arbitral tribunal, it will have the liberty to assail the correctness of the final award.
- b) Since the petition has not been adjudicated on merits, it will be open



to the petitioner to raise all legally viable contentions in appropriate proceedings, if so advised.

- c) If the petitioner is aggrieved with the final award and assails the same by filing petition under Section 34 of the Arbitration and Conciliation Act, 1996, the defence of limitation will not come in the way concerning the observations made in the interim Award dated 18.08.2017.
4. The petition is disposed of with the above directions.

JASMEET SINGH, J

DECEMBER 3, 2025/DM