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

+ **W.P.(C) 989/2026**

BANK OF BARODA & ORS.

.....Petitioner

Through: Mr. Raj Shekhar Rao, Sr. Adv with
Mr. Aditya Mishra, Mr. Abhishek,
Mr. Shaurya Lamba, Advs.

versus

UNION OF INDIA & ORS.

.....Respondent

Through: Ms Saumya Tandon, CGSC with Mr.
Gaurav Singh Sengar, Adv for UOI.
Ms. Gunjan Sinha Jain and Ms
Muskaan Gopal, Advs for R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **23.01.2026**

CM APPL. 4760/2026 (EXEMPTION)

1. Exemptions allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The petitioner Bank of Baroda claims to a leading consortium of Public Sector Banks has filed this petition under Article 226 of the Constitution of India to seek directions against the National High Authority of India ('NHAI') to deposit Rs. 561.30 crores into a designated Escrow Account.
4. The dispute arose from a terminated high way project on the Rohtak-



Bawal Section of NH-71, where the lenders advanced Rs. 794.06 Crores pursuant to the Loan Agreement between the petitioner and the concessionaire. Thereafter, an Escrow Tripartite Agreement was also executed.

5. According to the petitioner, the Loan Agreement contractually mandates NHAI to deposit at least 90% of the outstanding debt, as a termination payment, with priority, in the Escrow Account regardless of the reasons of termination in terms of Clause 3.2(d) of the Escrow Tripartite Agreement.

6. Looking at the background of the litigation between NHAI and the concessionaire, the Court in exercise of its power under Article 226 of the Constitution, is not inclined to adjudicate upon the present *lis*, which *ex facie*, has contractual origins, and private law foundations. If, there is a contract between the parties, and its terms are sought to be enforced, the remedy, naturally, would lie elsewhere.

7. Bearing in mind the fact that the petitioner is the consortium of Public Sector Banks and the opposite party is NHAI, it would be appropriate if the parties may explore the possibility of taking their grievance to a logical and amicable conclusion.

8. With the aforesaid observations and liberty the petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

JANUARY 23, 2026

aks/ksr