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

+ W.P.(C) 1712/2026 and CM APPL. 8398/2026, CM APPL. 8399/2026, CM APPL. 8400/2026

M/S NKG INFRASTRUCTURE LTD.

.....Petitioner

Through: Mr. Manish Gupta, Ms. Manaswee Gupta, Mr. Sowmya China, Mr. Ankit Gupta, Advs.

versus

AIRPORT AUTHORITY OF INDIA

.....Respondent

Through: Mr. Counsel (*appearance not given*)

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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06.02.2026

1. The facts of the case would indicate that earlier the petitioner invoked provisions of Section 9 of the Arbitration and Conciliation Act, 1996 (**hereinafter 'the A & C Act'**) and the Court vide order dated 19.01.2026 passed in O.M.P.(I) (COMM.) 20/2026, noted that the respondent would not take coercive steps against the petitioner prior to crystallization of the compensation amount by the respondent-Authority.
2. The petitioner, however, submits that, thereafter, the steps were taken by the petitioner for the constitution of the Dispute Resolution Committee (DRC), however, the petitioner will have to wait for 15 days, and, therefore, under these compelling circumstances, he is left with no other option except to approach this Court by way of the instant petition.



3. Clause 25 of the General Conditions of Contract ('GCC') provides that the dispute shall first be referred to the DRC constituted thereunder. However, if in interregnum, the circumstances require any interim measure by the Court, the petitioner can very well invoke Section 9 of the A & C Act. The petitioner had taken recourse of the said provision in his earlier petition. There is no reason as to why, at this point of time, the petitioner should be allowed to deviate and to take the recourse of Article 226 of the Constitution of India.

4. Accordingly, granting that liberty in favour of the petitioner, the petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

FEBRUARY 6, 2026

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