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

+ O.M.P.(I) (COMM.) 98/2026, I.A. 6519/2026, I.A. 6520/2026 & I.A. 6521/2026

SHREE GAUTAM CONSTRUCTION CO LTDPetitioner

Through: Mr. Abhijat, Sr. Adv. with Ms. Sanam Tripathi, Mr. Dheerash K. Dwivedi, Mr. Satyam Gupta & Mr. Harjeet Singh, Advs.

versus

NATIONAL HIGHWAY INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED & ANR.Respondents

Through: Mr. Upmanyu Tewari, Adv.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

07.05.2026

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1. Learned senior counsel for the petitioner contends that the performance bank guarantee (for short 'PBG') furnished has been extended, the notice for encashment of the bank guarantee due to the expiry of the PBG no longer survives and the respondent will have to issue fresh notice if intend to encash the bank guarantee. It is submitted that as on date no cause of action survives for pursuing the present petition filed under Section 9 of the Arbitration and Conciliation Act, 1996.

2. The petition is disposed of as infructuous with liberty to the petitioner to approach the arbitral tribunal in case need so arises.

AVNEESH JHINGAN, J

MAY 7, 2026

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