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

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O.M.P.(I) (COMM.) 106/2026, I.A. 6960/2026 (Ex.), I.A. 6961/2026 (Stay) & I.A. 9279/2026 (Seeking permission to place on record additional documents)

**DRISTTI STRUCTURAL ENGINEERING PVT LTD**

.....Petitioner

Through:

versus

**NATIONAL HIGHWAYS AUTHORITY OF INDIA**

.....Respondent

Through: Mr. Santosh Kumar, Standing  
Counsel with Mr. Ritik  
Dwivedi, Advocate for R-1.

**CORAM:**

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN  
SHANKAR**

**ORDER**

**28.04.2026**

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1. The present petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking the following reliefs:-

“a. Stay and/or keep m abeyance the operation, effect and implementation of the impugned notice dated 08.01.2026 already annexed as DOCUMENT N0.-3), insofar as it proposes and/or seeks to fasten Liquidated Damages amounting to Rs.5.2 Crores upon the Petitioner, pending adjudication of the disputes by the contractually agreed forum(s), including arbitration;

b. Restrain the Respondent, its officers, agents and representatives, from taking any coercive steps pursuant to or in furtherance of the impugned notice, including but not limited to recovery, adjustment, set-off, withholding or deduction of any amount towards Liquidated Damages from any bills, payments, securities or sums payable to the Petitioner under the Contract Agreement or otherwise, pending final adjudication of the disputes;

c. Restrain the Respondent from invoking, encashing or otherwise acting upon the Petitioner's Performance Security Bank



Guarantee(s), any other security furnished and/or any other amount payable to the contractor under the Contract Agreement, directly or indirectly, in relation to or on the basis of the impugned notice and/or the approval forming its basis, pending final adjudication of the disputes;

d. Direct the Respondent to maintain status quo ante with respect to the Petitioner's financial position under the Contract Agreement, including maintenance of existing securities, pending adjudication of the disputes by the contractually agreed forum(s);

e. Grant liberty to the Petitioner to commence and/or continue arbitral proceedings in accordance with the Contract Agreement, the SAROD Rules and the Act and to seek such further interim or final reliefs as may be advised before the arbitral tribunal;

f. Pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice and to secure the ends of justice;”

2. Learned counsel appearing on behalf of the parties submit that they are *ad idem* that certain disputes inter se the parties are already pending adjudication before a duly constituted Arbitral Tribunal comprising Mr. Aditya Kumar Mittal (IRSE) (Presiding Arbitrator), Mr. Rajiv Jain (IPS) (Co-Arbitrator) and Mr. Anil Kapil (Co-Arbitrator)

3. It is jointly submitted that the disputes raised in the present Petition may also be referred to the said Arbitral Tribunal.

4. In view of the consensus between the parties for reference of the disputes to arbitration, this Court is of the view that the requirement of issuance of a notice under Section 21 of the Act may be dispensed with. Consequently, the necessity of instituting a separate petition under Section 11 of the Act also does not arise.

5. Accordingly, the disputes raised in the present Petition are referred to the learned Arbitral Tribunal already constituted, comprising **Mr. Aditya Kumar Mittal (IRSE) (Presiding Arbitrator), Mr. Rajiv Jain (IPS) (Co-Arbitrator) and Mr. Anil Kapil (Co-**



**Arbitrator)**, for adjudication in accordance with law.

6. The respective costs of arbitration shall be borne equally by the parties.
7. All rights and contentions of the parties are kept open, to be decided by the learned Arbitral Tribunal on their merits, in accordance with law.
8. Needless to state, nothing in this order shall be construed as an expression of opinion of this Court on the merits of the controversy.
9. The present Petition under Section 9 of the Act shall be treated as an Application under Section 17 of the Act, and appropriate directions may be passed by the learned Arbitral Tribunal after entering upon the reference.
10. The Registry is directed to send a copy of this order to the learned Arbitral Tribunal through all permissible modes.
11. The present Petition, along with pending Application(s), if any, stands disposed of in the aforesaid terms.

**HARISH VAIDYANATHAN SHANKAR, J.**  
**APRIL 28, 2026/LP/kr**