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

+ O.M.P.(I) (COMM.) 118/2026 & I.A. 7851/2026 (Ex.)

M/S NKG INFRASTRUCTURE LTD.Petitioner

Through: Mr. Manish Gupta, Ms. Manaswee Gupta, Mr. Yesh Tiwari, Mr. Ravi and Mr. Ankit Gupta, Advocates.

versus

AIRPORT AUTHORITY OF INDIA (AAI) THROUGH
DJM/JT. GM ENGG. (C) SAFDARJUNG AIRPORT

....Respondent

Through: Mr. Digvijay Rai, Standing Counsel with Mr. Archit Mishra, Advocate with Mr. Gagan Kochar, Senior Manager Law (AAI), Ms. Pragya Bansal, JE, Mr. Shashank Gupta, JE Law and Ms. Kashish Singhal, JE Law (AAI).

CORAM:

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

ORDER

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22.04.2026

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

“A. Pass an order restraining the Respondent, its officers, agents and representatives from giving effect to, acting upon or enforcing the impugned letter dated 11.03.2026 whereby alleged recovery of Rs. 2,58,65,396/- has been demanded, which is arbitrary, illegal, pending resolution of disputes through the mediation and/or arbitration, and/or;

B. Pass an order restraining the Respondent from taking any coercive action but not limited to invoking,



encashing or otherwise acting upon the Bank Guarantee(s) furnished by the Petitioner in relation to the subject contract, till the disputes are adjudicated in mediation and/or arbitration, and/or;

- C. Pass an order directing the Respondent to maintain status quo with respect to the subject contract, including refraining from taking any coercive or prejudicial steps against the Petitioner pursuant to letter dated 11.03.2026, and/or;
- D. Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case, in the interest of justice."

2. At the outset, learned counsel appearing on behalf of the Petitioner submits that three (03) bank guarantees bearing No. 0960121BG0000381, 0960121BG0000552 and 0960122BG0000137 for an aggregate sum of Rs. 3,00,00,000/- have since been encashed.

3. She further submits that the request of the Petitioner for commencing the dispute resolution process, which includes the process of mediation, has not yet been responded to by the Respondent-Authority.

4. Mr. Rai, learned counsel appearing on behalf of the Respondent submits that since the disputes that have arisen as between the parties are approximately to the tune of Rs. 100 crores and since the mediation policy of the Respondent-Authority provides that disputes above a value of Rs. 10 crores would have to be referred to a panel of three Mediators, the same is currently under consideration and the Respondent-Authority is in the midst of nominating the panel of the Mediators to adjudicate upon the present dispute.



5. In view of the fact that the disputes are yet to be considered by the panel of Mediators, this Court is of the view that till such time that the disputes as raised are not accorded consideration, the Bank Guarantees would require to be safeguarded. Learned counsel appearing on behalf of the Respondent undertakes that prior to invocation of the Bank Guarantees, a Show Cause Notice would be issued providing the Petitioner with a period of one (01) week to respond to the same before invocation of the said Bank Guarantees.

6. In view of the undertaking given by the learned counsel for the Respondent, it is directed that the panel of Mediators be constituted within a period of ten (10) days from today for consideration of the disputes that are stated to have arisen. No coercive action in respect of the Bank Guarantees inter alia, issuance of Show Cause Notice, will be taken till the panel of Mediators takes up the issues for consideration.

7. Since the parties are *ad idem* that the present dispute shall be adjudicated by the panel of Mediators so appointed, this Court deems it appropriate to dispose of the present Petition.

8. Accordingly, the present Petition, along with pending application(s), if any, stands disposed of in the above terms.

HARISH VAIDYANATHAN SHANKAR, J.
APRIL 22, 2026/JYH/kr