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

\# **CNR No. DLHC010465662026**

\+ O.M.P.(I) (COMM.) 444/2026 & I.A. 26892/2026

AWADH EXPRESSWAY PRIVATE LIMITED .....Petitioner

Through: Mr. Sandeep Sethi and Mr. Dayan Krishnan, Senior Advocates, with Mr. Nilava Bandhopadhay, Mr. Anand Pratap Singh, Mr. Kumar Shashwat Singh, Ms. Bhavya, Mr. Sukrit Sethi, Mr. Shashank Saurabh, Mr. Archit Baliyan, Mr. Abhijeet Shekhawat, Mr. Krisna Gambhit, Ms. Shreya Sethi, Mr. Ritwik Sharma, Advocates,

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA .....Respondent

Through: Mr. K.M. Natraj, ASG with Ms. Madhu Sweta, Ms. Srishti Bajpai, Advocates for NHAI.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 08.10.2026

1. By way of this petition, under Section 9 of the Arbitration and Conciliation Act, 1996 ["Act"], the petitioner assails an order dated 03.09.2026, passed by the respondent – National Highways Authority of India ["NHAI"], by which the petitioner has been debarred from participating in any National Highway Projects of the Ministry of Road Transport and Highways/NHAI and their executing agencies, for a period

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of three years, i.e. from 03.09.2026 to 02.09.2029.

2. Mr. K.M. Natraj, learned Additional Solicitor General appearing on behalf of NHAI, has taken a preliminary objection, that proceedings under Section 9 of the Act are not maintainable against an order of this nature, and the petitioner's remedy lies under Article 226 of the Constitution. He specifically states that NHAI will not contest the maintainability of a petition filed by the petitioner under Article 226 of the Constitution, for similar relief.

3. Mr. Sandeep Sethi, learned counsel for the petitioner, disputes NHAI's objection to the maintainability of this petition. However, having regard to the above submission, and the petitioner's urgency in seeking interim orders, Mr. Sethi does not press this petition, without prejudice to the petitioner's right to take its remedies under Article 226 of the Constitution.

4. In view of the above, the petition, alongwith pending application, is dismissed as not pressed with liberty as aforesaid. NHAI is bound down to the statement recorded above.

5. It is clarified that this Court has not rendered any conclusive opinion on the maintainability of this petition, in view of the above submissions of learned counsel for the parties.

PRATEEK JALAN, J

OCTOBER 8, 2026
SS/SM/

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