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

% *Date of Decision: 11.06.2025*

+ O.M.P.(I) (COMM.) 230/2025 & I.A. 14735/2025, I.A. 14736/2025
& I.A. 14737/2025

RAMKY INFRASTRUCTURE LIMITED AND ECI
ENGINEERING CONSTRUCTION COMPANY
LIMITED (JV)

.....Petitioner

Through: Mr. Salil Sinha, Mr. Vipul Kumar
Sharma, Mr. Sahil Chandra, Mr.
Kushal Mishra & Ms. Stuti Jain,
Advocates.

versus

NATIONAL HIGHWAYS AND INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD & ANR.Respondents

Through: Mr. Kamal Kant Jha, Mr. Avinash
Singh & Mr. Manas Tiwari,
Advocates for Respondent No.1.

Mr. Sumeet Batra, Mr. D.K. Sachar,
Dr. Roopanshi Batra & Mr. Rishabh
Jain, Advocates for Respondent
No.2/Karur Vysya Bank Limited.

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

ORDER
11.06.2025

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TEJAS KARIA, J. (Oral)

1. The Petitioner has filed the present Petition under Section 9 of the



Arbitration and Conciliation Act, 1996 (**‘Act’**) seeking urgent interim reliefs in relation to a Contract Agreement dated 12.05.2016 (**‘Agreement’**) entered into between the Petitioner and the Respondent No.1 for the purpose of four-laning of Dimapur – Kohima Road (**‘Project’**) in the state of Nagaland.

2. The learned Counsel for the Petitioner submits that the present Petition has been filed for seeking urgent interim measures against the unilateral and coercive actions of Respondent No.1 in invoking the Performance Bank Guarantee amounting to ₹19.35 crores and initiating termination of the Agreement despite completion of the Project.

3. The learned Counsel for the Petitioner submits that the Petitioner has already invoked Arbitration in compliance with the Arbitration Agreement contained under Clause 26.3 of the Agreement and appointed its nominee Arbitrator.

4. The learned Counsel for Respondent No. 1 has entered appearance on advance service and states that Respondent No. 1 has also appointed its nominee Arbitrator and the Performance Bank Guarantee has already been encashed.

5. After some arguments, the learned Counsel for the Petitioner and Respondent No. 1 agree to request the nominee Arbitrators to appoint the Presiding Arbitrator at the earliest and once the Arbitral Tribunal is constituted, the present Petition with any modification and/or addition, as may be necessary, shall be filed before the learned Arbitral Tribunal for consideration under Section 17 of the Act.

6. At joint request of the parties, the present Petition is disposed of with a liberty to the parties to approach the learned Arbitral Tribunal, once constituted, for the grant of appropriate interim measures.



2025:DHC:4973



7. Pending applications are also disposed of.

TEJAS KARIA, J
(VACATION JUDGE)

JUNE 11, 2025/ 'ST'

Click here to check corrigendum, if any