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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 481/2026**

**MS. NKG INFRASTRUCTURE LTD. THROUGH ITS
MANAGING DIRECTOR**Petitioner

Through: Ms. Manaswee Gupta, Ms. Shipra
Bhardwaj, Mr. Ankit Gupta and Mr.
Ravi, Advocates.

versus

**AIRPORT AUTHORITY OF INDIA (AAI) THROUGH DGM/JT.
GM ENGG. (C)**Respondent

Through: Mr. Digvijay Rai, SC for AAI along
with Mr. Archit Mishra, Advocate,
Mr. Gagan Kochar, Sr. Manager
(Law) AAI, Ms. Pragya Bansal, JE
(Law) AAI, Ms. Kashish, JE (Law),
AAI for AAI.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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23.03.2026

CM APPL.18088/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition alleges wilful disobedience of the order dated 11.02.2026 passed by this Court in O.M.P.(I) (COMM.) 59/2026. The said order reads as under:-

"1. The present Petition has been filed under Section 9 of the Arbitration & 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 21.01.2026 whereby alleged compensation of, 28,7 8,350/- under



Clause 2 of the Agreement has been demanded, being arbitrary, illegal, pending resolution of disputes through the mediation and/or arbitration.

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.

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 21.01.2026

D. Issue appropriate directions/orders to the Respondent to appoint a Mediation Committee of Independent Experts (MCIE) within a period of seven days and conclude the mediation within the stipulated period so defined in the Mediation Policy dated 15.08.2022 and;

E. 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, Mr. Archit Mishra, learned counsel appearing on behalf of the Respondent on advance notice, submits that insofar as Prayer (A) is concerned, the amount mentioned therein, in respect of which certain reliefs have been sought, has already been duly adjusted in the Respondent's books of accounts. He further submits that the same shall be duly reflected in the final bill, which is stated to be raised by the Respondent, within a period of ten (10) days from today.

3. Insofar as Prayer (B) is concerned, learned counsel for the Respondent, on instructions, submits that a Mediator has already been appointed to take up the disputes between the parties at the earliest. It is further submitted that a formal communication in this regard shall be addressed to the Petitioner within a period of one (1) week from today.

4. In view of the aforesaid statements and undertakings, the present petition stands disposed of in the above terms."

4. Learned counsel for the petitioner submits that it is implicit in the said order that the respondent would not invoke the bank guarantee/s of the petitioner till the mediation proceedings are completed.

5. The same is strongly refuted by the learned counsel for the respondent, who appears on advance notice.

6. Learned counsel for the respondent further submits that in terms of



the directions contained in Paragraph 2 of the aforesaid order dated 11.02.2026, the concerned amount has been duly reflected in the final bill and it is incumbent on the petitioner to pay the said bill, failing which, the respondent shall be entitled to encash the bank guarantee/s furnished by the petitioner.

7. After some hearing, it is agreed that the petitioner would be filing a fresh petition under Section 9 of the Arbitration and Conciliation Act, 1996 specifically seeking relief *qua* proposed encashment of the bank guarantee/s to realize the amount referred to in the final bill, raised by the respondent in the aftermath of the order dated 11.02.2026.

8. Learned counsel for the petitioner submits that expeditious steps would be taken to file a fresh petition under Section 9 of the Arbitration and Conciliation Act, 1996, latest within a period of seven days from today.

9. In case the respondent seeks to encash any bank guarantee furnished by the petitioner, prior to filing of the fresh petition under Section 9 of the Arbitration and Conciliation Act, 1996, at least four working days' prior notice shall be given by the respondent to the petitioner.

10. The petition is disposed of in the above terms.

11. Order *dasti*.

SACHIN DATTA, J

MARCH 23, 2026/r