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

+ **LPA 40/2024**

NATIONAL HIGHWAY AUTHORITY OF INDIA Appellant

Through: Mr. Arun Kumar, senior Advocate
with Mr. Ashish Rana, Mr. Anurag
Kumar Singh and Mr. Gaurav Raj,
Advocates.

versus

M/S AE TOLLWAY LTD.

..... Respondent

Through: Mr. Saket Sikri, Advocate with
Mr. Anirudh Bakhru, Mr. Yash
Monaya, Ms. Pragya Gautam,
Mr. Mohnish Patkas and Mr. Sarthak
Sachdev, Advocates.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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12.01.2024

CM Appl.2071/2024 (for exemption) in LPA 40/2024

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

LPA 40/2024 & CM APPL.2070/2024

3. Present appeal has been filed by the appellant challenging the judgment dated 01st December, 2023 passed by the learned Single Judge in W.P.(C) No.12662/2023 whereby the order passed by the Arbitral Tribunal rejecting the application filed by the appellant under Section 16 of the Arbitration Act was upheld.



4. Learned senior counsel for the appellant states that the learned Single Judge while dismissing the writ petition failed to appreciate that a settlement under Section 74 of the Arbitration and Conciliation Act, 1996 is at an equal footing with an award passed under Section 30 of the Arbitration and Conciliation Act, 1996 and therefore cannot be allowed to be interfered with in a separate arbitration proceeding. According to him, the only remedy which the Act provides is that of challenging the award under Section 34 of the Arbitration and Conciliation Act, 1996.

5. Issue notice.

6. Mr. Sarthak Sachdev, learned counsel accepts notice on behalf of the respondent. He prays for and is permitted to file a short note of written submission not exceeding three pages along with the judgments that he wishes to rely upon before the next date of hearing.

7. Mr. Saket Sikri, learned counsel for the respondent assures and undertakes to this Court that the respondent shall seek an adjournment before the Arbitral Tribunal beyond the next date of hearing.

8. List on 28th February, 2024.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 12, 2024

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