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

+ LPA 40/2024 & CM APPL. 2070/2024 –Stay.

NATIONAL HIGHWAY AUTHORITY OF INDIAAppellant

Through: Mr. Arun Kumar Verma (Sr. Adv)
with Mr. Ashish Rana, Mr. Anurag
Kr. Singh and Mr. Kunal, Advs

versus

M/S AE TOLLWAY LTD.

.....Respondent

Through: Mr Vikram Nankani, Sr. Adv. with
Mr Anirudh Bakhru, Mr. Yash
Monaya, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

03.10.2024

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1. A perusal of the record shows that the written submissions stated to have been filed by the appellant are not on record. Learned senior counsel for the appellant submits that the same is on account of the same running into five pages as against the directions by this Court to file the same is four pages. As prayed for by the appellant, the Registry is directed to place the said five pages of written submissions on record.

2. Despite the appellant's written submissions not being on record, we have heard the learned senior counsel for the appellant for some time when he has drawn our attention to paragraphs 28-30 and 32 of the order dated 03.09.2023 passed by the learned Arbitral Tribunal.

3. However, considering that there is Full Court reference in the post lunch session, the present appeal cannot be taken up for disposal today.



4. At this stage, learned senior counsel for the respondent submits that if the present appeal cannot be taken up today for disposal, the Arbitral Tribunal be permitted to proceed with the matter, subject to imposition of such conditions as this Court may deem appropriate. He submits that the Arbitral proceedings are not progressing in view of the statement made on behalf of the respondent before this Court on 12.01.2024, causing undue delay in the matter.

5. Bearing in mind that the present appeal cannot be heard today on account of the written submissions filed by the appellant not being placed on record, as also paucity of time due to a Full Court reference, we are of the view that it would be in the interest of justice to permit the Arbitral Tribunal to proceed with the arbitration proceedings, *albeit*, subject to the condition that no final Award will be passed during the pendency of the present appeal.

6. Further, taking into account the urgency expressed by the learned counsel for the appellant, we direct that the appeal be listed for disposal on 20.11.2024.

REKHA PALLI, J

SAURABH BANERJEE, J

OCTOBER 3, 2024/rr