

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(Arising out of SLP(C) No.2139/2023)

NATIONAL HIGHWAYS AUTHORITY OF INDIA

APPELLANT(S)

VERSUS

BARASAT KRISHNAGAR EXPRESSWAY LTD.

RESPONDENT(S)

O R D E R

1. Leave granted.

2. The National Highways Authority of India (NHA) has preferred the instant appeal against the judgment and order dated 18.01.2023 passed by the High Court of Delhi, whereby the tenure of the Arbitral Tribunal was extended by a further period of two months to publish the award.

3. The dispute between the parties arises out of a Concession Agreement dated 20.06.2011, under which the appellant awarded a BOT-contract to the respondent for augmentation of NH-34 in West Bengal. The NHA later terminated the aforesaid agreement on 31.12.2015, giving rise to the present dispute, which is arbitrable in terms of clause 44.3 of the Concession Agreement.

4. Pursuant thereto, an Arbitral Tribunal comprising three members was constituted on 02.06.2016. The arguments were concluded before the Arbitral Tribunal on

25.09.2021, and the award was reserved on the same date. However, on 21.11.2022, the presiding arbitrator informed the parties that an extension of around two to three months would be required for pronouncement of the award. This prompted the respondent to approach the High Court, resulting in the impugned order.

5. In the meantime, unfortunately, the Presiding Arbitrator passed away, while the arbitration proceedings were still pending.

6. We have heard learned Solicitor General of India on behalf of NHA I and learned counsel representing the respondent.

7. In view of the aforesaid circumstances, we are of the opinion that the interests of justice would be adequately served by appointing a sole Arbitrator, who will commence the proceedings from the stage of hearing arguments and shall thereafter proceed to pass the award in accordance with law.

8. Accordingly, we appoint Hon'ble Mr. Justice Amitava Roy, former Judge of this Court, as the sole Arbitrator.

9. We may clarify that we have not taken notice of certain subsequent events and the contentions advanced by the parties in relation thereto. As we have not expressed any opinion on the merits of the case, all the

contentions are left open to be raised before the learned sole Arbitrator.

10. The appeal is, accordingly, disposed of.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

.....J.
(V. MOHANA)

NEW DELHI;
AUGUST 18, 2026

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).2139/2023

[Arising out of impugned final judgment and order dated 18-01-2023 in O.M.P.(MISC)(COMM.) No. 198/2022 passed by the High Court of Delhi at New Delhi]

NATIONAL HIGHWAYS AUTHORITY OF INDIA

Petitioner(s)

VERSUS

BARASAT KRISHNAGAR EXPRESSWAY LTD.

Respondent(s)

IA No. 19101/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 19100/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 285803/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 18-08-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) :Mr. Tushar Mehta, Solicitor General
Mr. Abhay Gupta, Adv.
Ms. Paromita Majumdar, AOR
Mr. Aviraj Pandey, Adv.
Ms. Meenakshi Vimal, Adv.
Mr. Akash Bhatt, Adv.

For Respondent(s) :Mr. Amitabh Chaturvedi, Adv.
Ms. Niyati Razdan, Adv.
Ms. Mehaak Jaggi, AOR
Mr. Mudit Mani, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is disposed of in terms of the signed order.
3. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR

(signed order is placed on the file)