

# Bhadra International (India) Pvt. Ltd. ... vs Airports Authority Of India on 11 December, 2020

**Author: Rekha Palli**

**Bench: Rekha Palli**

Via video

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ OMP (COMM) 414/2018  
+ OMP (COMM) 415/2018  
BHADRA INTERNATIONAL (INDIA) PVT. LTD. & ORS.

Through Mr.Amit Sibal, Sr. Adv. with  
Mr.Ashish Mohan and Mr.Akshit Mago, Advocates

versus

AIRPORTS AUTHORITY OF INDIA ..... Represented by  
Through Mr.Parag P. Tripathi, Sr. Adv.  
Mr.Sonal Singh & Mr.Rajat Dasgupta, Advocates.

CORAM:  
HON'BLE MS. JUSTICE REKHA PALLI  
ORDER

% 11.12.2020 IA. 11174/2020 in OMP (COMM) 414/2018 IA. 11148/2020 in OMP (COMM) 415/2018

1. The present applications have been filed by the petitioner seek early hearing of the petition. Learned senior counsel for the petitioner submits that the learner Arbitrator has erroneously rejected the petitioner's claim for damages, due to which, the petitioner is facing grave financial hardships, especially on account of the ongoing pandemic of COVID-19. He, therefore, prays that the petition be listed for disposal on an early actual date. Learned senior counsel for the respondent does not oppose the said request.

2. Keeping in view the nature of controversy involved in the matter and the assurance given by both sides that they will not take more than one hour each for making their submissions, the applications for early hearing are allowed.

3. List the petitions for disposal on 12.04.2021.

4. The applications are, accordingly, disposed of.

OMP (COMM) 414/2018 & OMP (COMM) 415/2018

5. List on 12.04.2021 at the end of the board.

6. The respondent will be at liberty to move an appropriate application in their Section 34 petitions, wherein they have assailed the impugned awards, for being heard along with the present petitions.

REKHA PALLI, J DECEMBER 11, 2020 sr Via video conferencing \$~22 & 23 \* IN THE HIGH COURT OF DELHI AT NEW DELHI + O.M.P. (I) (COMM) 378/2018 + O.M.P. (I) (COMM) 380/2018 BHADRA INTERNATIONAL (INDIA) PVT. LTD. & ORS.

Through Mr.Amit Sibal, Sr. Adv. wit

Mr.Ashish Mohan and Mr.Akshit Mago, Advs.

versus AIRPORTS AUTHORITY OF INDIA ..... Respondent Through Mr.Parag P. Tripathi, Sr. Adv. with Mr.Sonal Singh & Mr.Rajat Dasgupta, Adv. CORAM:

HON'BLE MS. JUSTICE REKHA PALLI ORDER % 11.12.2020 IA. 11214/2020 in O.M.P. (I) (COMM) 378/2018 IA. 11213/2020 in O.M.P. (I) (COMM) 380/2018

1. Vide the present applications, the petitioners seek modification of order dated 28.09.2018, as also release of the bank guarantees furnished pursuant to the said order.

2. Learned senior counsel for the petitioners submits that pursuant to order dated 28.09.2018, the petitioners were permitted to continue to pay royalty @ 13% on the accrual turnover, subject to its furnishing a bank guarantee for the differential amount vis-à-vis the respondent's claim for 31.8% / 32.5% , as the case maybe. He submits that the said direction to furnish a bank guarantee with Registrar General of this Court, was passed only as a condition to allow the petitioners to participate in the tenders which were likely to be floated by the respondent for the year 2018-19. However, the petitioners chose not to bid for the year 2018-19 or any other subsequent year and, therefore, contends that they should be discharged from the liability to continue to furnish a bank guarantee for the differential amount.

3. Learned senior counsel appearing for the respondent vehemently denies the aforesaid averments made by the learned senior counsel for the petitioners and contends that the petitioner's claim that the direction to furnish bank guarantees for the differential amount was only for enabling the petitioner to participate in the tenders floated by the respondents is misplaced, as the said amount is payable under the Award, which is subject matter of challenge before this Court.

4. Issue notice. Mr.Sonal Singh, Advocate accepts notice on behalf of the respondents. He prays for and is granted four weeks' time to file reply. Rejoinder thereto, if any, be filed within three weeks thereafter.

5. List on 12.04.2021.

REKHA PALLI, J DECEMBER 11, 2020 sr