

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9922 of 2023

Petitioner :- Krishna Kumar

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Avinash Pandey,Ram Naresh

Counsel for Respondent :- A.S.G.I.,Dinesh Kumar Misra

Hon'ble Jayant Banerji,J.

1. Heard Shri Avinash Pandey, learned counsel for the petitioner.

2. Notice on behalf of the respondent nos. 1, 2 and 3 has been accepted by Shri Dinesh Kumar Mishra, learned Central Government Counsel, who has filed memorandum of appearance on 12.9.2023. However, the same is not on record. Office is directed to trace out the same and place it on record. Notice on behalf of the respondent nos. 4 and 5 have been accepted by learned Standing Counsel appearing for the State Government.

3. This petition has been filed seeking the following relief:

"i. to direct the court concerned/Additional Session Judge/ Ananya Special Judge, E.C. Act, Fatehpur to decide the Misc. case no. 51 of 2007 (Krishna Kumar vs. Union of India & others) within stipulated period as directed by this Hon'ble court.

ii. or may pass such other and further order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

4. A perusal of the miscellaneous case in respect of which the relief sought in the instant petition which is enclosed as Annexure no. 1 to this petition reflects that it is titled Reference No. 51/70/07 (Krishna Kumar vs. Union of India and 4 others) that was filed in the court of the District Judge, Fatehpur under Section 34(2)(3) of the Arbitration and Conciliation Act 1996 (hereinafter referred to as the 'Act, 1996') read with Section 3G(6) of the National Highways Act, 1956. In this petition, neither is the award made by the competent authority under sub-section (1) of Section 3G enclosed, nor is the determination of the amount made by the arbitrator under sub-section (5) of Section 3G of the National Highways Act, 1956 filed. It is also not known as to whether the application under section 34 of the Act, 1996 is filed within the prescribed period of limitation and whether the same is maintainable.

5. Under the circumstances, interference in the afforded petition is declined and petition is **dismissed**.

6. Registrar (Compliance) is directed to send a copy of this order to the court concerned within fifteen days for information.

Order Date :- 12.12.2023

A. V. Singh

(Jayant Banerji, J.)