

Court No. - 21

Case :- WRIT - C No. - 39503 of 2023

Petitioner :- Saurabh Taliwal And Another

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Vishal Agarwal

Counsel for Respondent :- C.S.C.,A.S.G.I.,Gopal Verma

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Donadi Ramesh,J.

1. Heard Sri Vishal Agarwal, learned counsel for the petitioners and Sri Gopal Verma, learned counsel for respondent no.1.
2. The instant petition is directed against the award of arbitrator dated 30.08.2023 passed under Section 3G (5) of the National Highways Act, 1956.
3. The case of the petitioners is that they are entitled to compensation at commercial rates as has been paid to other co-sharers of Khasra No. 112.
4. The issue raised by the petitioners is factual in nature and requires appreciation of evidence.
5. Under Section 3G (5) of the National Highways Act, 1956, the provisions of the Arbitration and Conciliation Act, 1996 have been applied to every arbitral award given under the Act. The petitioners would, therefore, have rights of arbitration available to them for challenging the award as provided under the Arbitration and Conciliation Act, 1996.
6. Accordingly, we decline to entertain the challenge in exercise of writ jurisdiction and relegate the petitioners to the remedy

provided under statute.

7. The petition stands disposed of accordingly.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, ACJ.)

Order Date :- 7.12.2023

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