

Court No. - 21

Case :- WRIT - C No. - 41011 of 2023

Petitioner :- Sanjay Kumar Paliwal

Respondent :- The Additional Commissioner (Prashasan) And 6 Others

Counsel for Petitioner :- Ramendra Asthana

Counsel for Respondent :- C.S.C.,A.S.G.I.,Pranjal Mehrotra

Hon'ble Manoj Kumar Gupta,Acting Chief Justice
Hon'ble Donadi Ramesh,J.

1. The petitioner has called in question an order dated 11.08.2023 passed by respondent no.1. By the said order, he has rejected the representation of the petitioner filed against the award of the competent authority dated 01.05.2003 under the provisions of the National Highways Act, 1956. The decision has been taken in pursuance of an order passed in the previous writ petition of the petitioner bearing Writ C No. 36 of 2018, whereby vide order dated 04.01.2018, it was directed that the objection of the petitioner under Section 34 of the Arbitration and Conciliation Act, 1996 having been decided in favour of the petitioner resulting in setting aside of the award of the Arbitrator dated 25.08.2017, it would be open to the petitioner to proceed in the matter afresh.

2. Learned counsel for the petitioner, after making brief submission, concedes that effect of the impugned order is that the award of the competent authority has been upheld after dealing with the claim of the petitioner. Thus, it would amount to an award under Section 3G (5) of the National Highways Act, 1956. Therefore, the remedy is to file objection under Section 34 of the Arbitration and Conciliation Act, 1996 read with the provisions of the National Highways Act, 1956.

3. Sri Pranjal Mehrotra, learned counsel appearing on behalf of N.H.A.I. also takes the same stand.
4. Accordingly and as prayed, the petitioner is permitted to withdraw the petition and to challenge the impugned award in the manner provided under the statute.
5. The petition stands disposed of accordingly.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, ACJ.)

Order Date :- 29.11.2023

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