

Court No. - 37

Case :- APPEAL UNDER SECTION 37 OF ARBITRATION AND CONCILIATION ACT 1996 DEFECTIVE No. - 640 of 2023

Appellant :- Rampal And 5 Others

Respondent :- Government Of India And 2 Others

Counsel for Appellant :- Prashant Rathor, Sanjay Gangwar

Hon'ble Ajay Bhanot, J.

The appeal arises out of the land acquisition made under the National Highways Authority of India Act and the award was made before the arbitral tribunal under Section 3G(5) of the National Highways Authority of India Act. The array of respondents in proceedings before the learned court below under Section 34 of the Arbitration and Conciliation Act is as under:

"1. भारत सरकार द्वारा जिलाधिकारी महोदय महोबा

2. विशेष भू अर्जन अधिकारी बाँदा

3. अधिशाषी अभियंता पी डब्लू डी एन एच डिवीज़न झाँसी..... प्रतिवादी"

The array of respondents before this Court is as follows:

1. Government of India, through District Magistrate, Mahoba.

2. Special Land Acquisition Officer, Banda.

3. Executive Engineer, P.W.D., N.H. Division, Jhansi... respondents"

Shri Prashant Rathore, learned counsel and Shri Sanjay Gangwar, learned counsels for the appellants at the very first instance submit that the parties were incorrectly arrayed before the court below as well as before this

Court. Hence proper respondents could not be served.

Learned counsels for the appellants prays for and are granted leave to withdraw this appeal and institute fresh proceedings under Section 34 of the Arbitration and Conciliation Act before the competent court.

Shri Alope Kumar, learned counsel has entered appearance on behalf of the National Highway Authority of India on the request of the Court. He does not have any serious objection to the aforesaid submissions.

In wake of the aforesaid, the impugned order dated 25.09.2023 passed by learned Incharge, District Judge, Mahoba is liable to be set aside and are set aside.

The appeal is allowed.

It is clarified that this Court has not passed any order on the merits of the case.

Order Date :- 11.12.2023

Dhananjai