

Court No. - 3

Case :- CIVIL MISC REVIEW APPLICATION No. - 120 of 2023

Applicant :- Girja Shankar Dwivedi

Opposite Party :- State Of U.P. Thru. Prin./Addl. Chief Secy. Deptt.
Revenue, Govt. U.P. Lucknow And Others

Counsel for Applicant :- Shobhit Mohan Shukla

Counsel for Opposite Party :- Sarvesh Kumar Dubey

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Heard learned counsel for the review applicant, learned Standing Counsel for the State authorities and Shri Sarvesh Kumar Dubey, learned counsel for the N.H.A.I.

Learned counsel for the review applicant states that by mistake he made a statement before this Court that it was the earlier District Magistrate, Amethi, who had given a report dated 29.10.2022 rather it was given by the present District Magistrate, Amethi, who is now to decide arbitration applications filed by the N.H.A.I. for challenging the amount of compensation fixed by the competent authority.

Learned counsel for the review applicant further submits that the present District Magistrate, Amethi by his report dated 29.10.2022 has already reported to the Special Secretary that the compensation amount fixed by the competent authority is highly exorbitant and appropriate action should be taken, thus, it is not expected that he would do justice while hearing the arbitration applications, as he has already expressed his opinion.

Learned counsel for the review applicant fairly concedes that because of error on his part, the judgment and order dated 26.09.2023 got passed directing the District Magistrate concerned to decide the arbitration application.

Learned Standing Counsel and Shri Sarvesh Dubey, learned counsel for the N.H.A.I. also fairly concede that the same District Magistrate is continuing at the district.

In the given facts and circumstances, the review application is ***allowed***. With the consent of the parties, the order dated 26.09.2023 is modified to the extent that the Commissioner, Lucknow Division, Lucknow shall hear and decide all the arbitration cases, which are pending before the District Magistrate, Amethi, which are impacted by the report dated 29.10.2022.

The Commissioner, Lucknow Division, Lucknow is expected to decide the arbitration applications within a period of six months from today. The District Magistrate, Amethi shall forthwith transfer all the arbitration applications to the Commissioner, Lucknow Division, Lucknow.

(Manish Kumar,J) (Vivek Chaudhary,J)

Order Date :- 1.11.2023/Ashish