



2025:AHC:175064-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 34465 of 2025

Raj Kumar Rai

.....Petitioner(s)

Versus

Union Of India And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Ajay Kumar Singh, Ashish Kumar Singh
Counsel for Respondent(s)	: A.S.G.I., C.S.C., Mahendra Pratap

Court No. - 29

**HON'BLE MAHESH CHANDRA TRIPATHI, J.
HON'BLE ANISH KUMAR GUPTA, J.**

1. Heard learned counsel for the petitioners; learned Standing Counsel for State respondents; Shri Sanjay Kumar Om, learned counsel for respondent no.1 and Shri Sanjay Kumar Singh, learned counsel for respondent nos. 3 and 4-National Highways Authority of India (in short "NHAI").
2. The instant writ petition has been preferred for a direction to competent authority to pay compensation to the petitioners in terms of award dated 18.3.2025 in Case No.1390/2024 (National Highway Authority of India v. Musafir & Ors.) under Section 3 G (5) of the National Highways Act, 1956 passed by District Magistrate, Mau.
3. While entertaining Writ-A No.32816 of 2025, involving the similar issues, the Court has passed a detailed order on 18.09.2025 with following effect:-

"1. Heard Shri Sarfaraz Ahmad, learned counsel for the petitioners, Shri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents and Shri Sanjeev Kumar Singh, learned counsel for the respondent Nos. 3 and 4 - National Highways Authority of India (NHAI).

2. The instant writ petition has been filed praying inter alia for the following relief:

"(i) issue a writ, order or direction in the nature of mandamus directing the competent Authority to pay compensation to the petitioners in term of award dated 18.03.2025 in case No. 1390/2024 computerized case No. D202415510001390 National Highway Authority Of India Vs Musafir and Others U/s 3(G)5 The National Highways act 1956 Passed by the

Court of District Magistrate, Mau District- Mau."

3. In support of his submissions, learned counsel for the petitioners has placed reliance upon the judgment dated 06.05.2024 passed in Appeal under Section 37 of the Arbitration and Conciliation Act, 1996, No. 41 of 2021 (National Highways Authority of India vs. Musafir and Others) by a learned Single Judge. By the said judgment, the appeal was allowed, and the order dated 05.11.2020 passed by the District Judge, Mau, as well as the awards dated 27.12.2019, 19.05.2020, and 28.05.2020, were set aside. The Court further directed the Arbitrator appointed by the Central Government under the Act to decide the matter de novo within a period of six months from the date of production of a certified copy of the order before him, taking into account the order dated 15.03.2018 and the report submitted pursuant thereto. Learned counsel for the petitioners submits that despite the aforesaid directions, the contesting respondent has not shown any inclination to pay compensation in the light of the judgment and order dated 06.05.2024. Subsequently, in compliance with the said directions, the Arbitrator passed an award on 18.03.2025. However, the same has neither been challenged by the respondents nor the actual disbursement has been ensured.

4. Learned counsel for the NHAI prays for and is accorded a week's time to obtain instructions in the matter.

5. Put up this matter again as fresh on 26.09.2025."

3. On the matter being taken up today, in Writ-A No.32816 of 2025, learned counsel for NHAI has placed detailed instructions dated 25.09.2025, sent by the Project Director, NHAI, PIU- Gorakhpur, which was taken on record. On the basis of instructions, he states that the award dated 18.03.2025 has been received by NHAI on 21.08.2025 and consequently an application/objection under Section 34 of Arbitration and Conciliation Act, 1996 has already been preferred before District Court, Mau vide Case No. 120 of 2025 (NHAi and Ors. Vs. Musafir and Ors.), which is likely to be taken up on 03.11.2025. He states that necessary action will be ensured as per the decision of District Court, Mau. In this backdrop, the Writ-A No.32816 has been consigned to record today itself.

4. Considering the facts and circumstances of the case, we are not inclined to proceed further in the instant matter also, at this stage, as the award dated 18.03.2025 is already under challenge under Section 34 of Arbitration and Conciliation Act, 1996. Accordingly, the instant petition is also consigned to

record.

(Anish Kumar Gupta,J.) (Mahesh Chandra Tripathi,J.)
September 26, 2025
Saurabh