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HIGH COURT OF CHHATTISGARH, BILASPUR

ARBA No. 10 of 2017

- Kamal Banjare S/o Prakash Banjare, R/o Ward No.13, Village-Bodla, Tahsil- Bodla, District- Kabirdham, Chhattisgarh

---- Petitioner

Versus

1. Union Of India Through: Secretary, Ministry Of Road Transport And National Highway, New Delhi, India
2. National Highway Authority Of India, Through: Its Project Director, National Highway No.12 (A), Chilphi-Simga Section, Raipur, District Raipur, Chhattisgarh

---- Respondent

And

ARBA No. 11 Of 2017

- Hemant Ram S/o Janak Ram, Aged 36 Years R/o Village Odiya, Tahsil Sahaspur Lohara, District Kabirdham, Chhattisgarh

---- Petitioner

Vs

1. Union Of India Through: Secretary, Ministry Of Road Transport And National Highway, New Delhi, India
2. National Highway Authority Of India, Through: Its Project Director, National Highway No.12 (A), Chilphi-Simga Section, Raipur, District Raipur, Chhattisgarh

---- Respondent

And

ARBA No. 12 Of 2017

- Praveen Kesharwani S/o Taranath Kesharwani, Aged 36 Years R/o Ward No.5, Village- Bodla, Tahsil Bodla, District Kabirdham, Chhattisgarh

---- Petitioner

Vs

1. Union Of India Through: Secretary, Ministry Of Road Transport And National Highway, New Delhi, India
2. National Highway Authority Of India, Through: Its Project Director, National Highway No.12 (A), Chilphi-Simga Section, Raipur, District Raipur, Chhattisgarh

---- Respondent

For Petitioners	Mr. Malay Shrivastava, Advocate
For Respondent/UOI	Mr. Rajkumar Gupta, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

2/3/2017

1. Heard.
2. These are the applications under Section 11(6) of the Arbitration and Conciliation Act, 1996 (in short "the Act, 1996") for appointment of Arbitrator to decide the amount of compensation, which the petitioners are, in fact, entitled in addition to what has been awarded in their favour by the Land Acquisition Officer upon acquiring of their land under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short "the Act, 2013") for construction of National Highway No.12A (Chilpi-Kawardha-Simga).
3. Mr. Rajkumar Gupta, learned counsel for the Union of India, would submit that that once the amount of compensation is determined by the competent authority, but not acceptable to either of the parties, the amount shall, on an application by

either of the parties, be determined by the Arbitrator to be appointed by the Central Government under Section 3G of the National Highways Act, 1956 (in short "the Act, 1956").

4. It is informed that the Central Government has already issued a Notification dated 02.09.2016 appointing the Additional Commissioner, Durg Division (for National Highway No.30 [old National Highway No.12A]), as Arbitrator under Section 3G(5) of the Act, 1956 for consideration of the applications raising dispute regarding entitlement of the amount of compensation and settlement of the dispute.
5. In view of the above Notification, the petitioners may take steps to move necessary applications before the Additional Commissioner, Durg Division, in accordance with the provisions contained in the Act, 1956 and thus, these applications under Section 11(6) of the Act, 1996 are not required.
6. Accordingly, all the three ARBAs are finally disposed of.

Sd/-

Judge

(Prashant Kumar Mishra)

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