

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.392 of 2018**

Reshma, wife of Sabir Ali, aged about 35 years, caste Musalman, R/o Rasulpur, Ambikapur, District Surguja (CG).

---- Petitioner**Versus**

1. Union of India, through the Secretary, Ministry of Road Transport and Highways, Shastri Bhawan, New Delhi.
2. National Highway Authority, through Project Director, Project Implementation Unit, Awanti Vihar, Shankar Nagar, Raipur (CG).
3. Chief Engineer, PWD, National Highway, Pension Bada, Raipur (CG).
4. Additional Commissioner, Surguja Division Ambikapur, District Surguja (CG).
5. Presiding Officer/Sub Divisional Officer (Revenue), Ambikapur, District Surguja (CG).

--- Respondents

For Petitioner : Ms. Hamida Siddiqui, Advocate
 For Respondents No.1, 2 & 3 : Mr. Rajkumar Gupta, Advocate
 For State/Resp. No. 4 & 5 : Mr. Arun Sao, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

13/02/2018

(1) This writ petition has been filed by the petitioner against the order dated 28.09.2017 passed by learned Arbitrator/Additional Commissioner, Surguja Division, Ambikapur, under Section 3G(5) of the National Highways Act, 1956 (for short, the Act of 1956').

(2) Learned counsel appearing for the petitioner would submit that the impugned order is unsustainable and bad in law and it is also without jurisdiction and without authority of law.

(3) I have heard learned counsel for the petitioner, considered the submission made hereinabove and perused the record with utmost circumspection.

(4) By the impugned order, the learned Arbitrator appointed under the provisions of National Highways Act, 1956 has rejected the petitioner's application filed under Section 3G(5) of the Act of 1956. By virtue of provisions contained in Section 3G(6) of the Act of 1956, the provisions of Arbitration and Conciliation Act, 1996 is applicable, therefore, the petitioner's remedy is to file application under Section 34(2) of the Act of, 1996 for setting aside the order/award passed by the learned Arbitrator as held by this order in **WPC No.3170/2017 (Surendra Kumar Chhabda V. State of Chhattisgarh & Others)**.

(5) In view of that, the instant writ petition is dismissed as not maintainable. It is open to the petitioner to proceed in accordance with law to challenge the order passed by the learned Arbitrator. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-