

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1150 of 2018**

Mohammad Aftaf Ansari, S/o Late Kasim Ansari, aged about 41 years, R/o Sadar Road, Ambikapur, Tahsil and District Surguja, C.G.

---- Petitioner

Versus

1. Ministry of Road Transport Highway, New Delhi, through – Chief Engineer / Executive Public Works Department, National Highway Area, Pension Bada, Raipur, District Raipur (C.G.)
2. Additional Commissioner, Surguja Division, Ambikapur, District Surguja (C.G.)
3. Presiding Officer / Sub Divisional Officer, Ambikapur, District Surguja (C.G.)

--- Respondents

For Petitioner	:	Ms. Hamida Siddiqui, Advocate.
For Respondent	:	Mr. Arun Sao, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****25/04/18**

1. This writ petition has been filed by the petitioner against the order dated 27.09.2017 passed by learned Arbitrator / Additional Commissioner, Surguja Division, Ambikapur, under Section 3(G)(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 submissions made herein above 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 3(G)(5) of the Act of 1956. By virtue of provisions contained in Section 3(G)(6) of the Act of 1956, the provisions of Arbitration and Conciliation Act, 1996 (in short, 'Act of 1996') would be applicable, therefore, 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 order of this Court 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. However, it will be open to the petitioner to proceed in accordance with law to challenge the order passed by the learned Arbitrator. No order as to cost(s).

Certified copy, today.

Sd/-
(**Sanjay K. Agrawal**)
Judge