

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2298 of 2018**

Sagar Agrawal S/o Ramesh Agrawal, aged about 33 years, R/o Village Bhatagaon, Tahsil Kurud, District Dhamtari (C.G.) **---- Petitioner**

Versus

1. National Highway Authority of India (NHAI), through its Project Director, Project Coordination Unit, Raipur Camp, House No. 12, Syam Residency, Gujarati Colony, Dhamtari (C.G.)
2. Additional Collector-cum-Arbitrator, National Highway Authority of India (NHAI), Dhamtari (C.G.)
3. Sub-Divisional Officer-cum-Land Acquisition Officer, Kurud, District Dhamtari (C.G.) **---- Respondents**

For Petitioner	:	Mr. B. D. Guru, Advocate.
For Respondent No. 3/ State	:	Mr. Arun Sao, Dy. Advocate General.
For Respondents No. 1 & 2	:	Mr. Naveen Shukla on behalf of Ms. Fouzia Mirza, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

14/08/18

1. This writ petition has been preferred by the petitioner being aggrieved against the order dated 18.09.2017 (Annexure – P/1) passed by Arbitrator, National Highway Authority of India (NHIA).
2. Learned counsel for the petitioner would submit that the order of Arbitrator is contrary to law and is liable to be set aside.
3. On the other hand, learned State counsel submits that against the order of learned Arbitrator, remedy under Section 34(2) of the Arbitration and Conciliation Act, 1996 (hereinafter called as 'Act of 1996') by virtue of Section 3G(6) of the National Highways Act, 1956 (hereinafter called as 'Act of 1956') would be applicable.
4. I have heard learned counsel for the parties.

5. Be that as it may, since the provision contained in the Act of 1996 is applicable by virtue of Section 3G(6) of the act of 1956, the petitioner is at liberty to make application under Section 34(2) of the Act of 1996 before the respondent authorities in accordance with law.
6. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).
7. Certified copy of the impugned order be returned to the counsel for the petitioner on furnishing attested photocopy thereof.

Sd/-
(Sanjay K. Agrawal)
Judge