

HIGH COURT OF CHHATTISGARH, BILASPUR**ARBR No. 10 of 2019**

- Gopal Agrawal S/o Ramkumar Agrawal Aged About 55 Years R/o Station Chowk, Raigarh District Raigarh Chhattisgarh

---- Petitioner**Versus**

- Union of India Through Ministry of Railways, Rail Bhawan, Raisina Road, New Delhi-110001

---- Respondent

For Petitioner : Shri Priyank Rathi, Advocate

For Respondent : Shri Abhishek Sinha, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****16/09/2019**

1. Heard.
2. The present petition is for seeking appointment of arbitrator under Section 11 (6) of the Arbitration and Conciliation Act, 1996.
3. The case of the petitioner is that he had certain land at village Bhalunara bearing Khasra No.58/1 (th), admeasuring 0.413 hectares, which was acquired by the Central Government for special railway project for laying railway line from Kharsia to Dharamjaigarh. Subsequent to that the proceeding of acquisition was carried out and award was passed on 4th of September, 2015. The petitioner thereafter was aggrieved by the quantum of compensation as such he sought his statutory remedy before

the arbitrator as required under 20F (6) of the Railways Act, 1989 (for short 'the Act, 1989), which reads as under:-

“20F Determination of amount payable at compensation. —

(1) xxx xxx xxx

(2) xxx xxx xxx

(3) xxx xxx xxx

(4) xxx xxx xxx

(5) xxx xxx xxx

(6) If the amount determined by the competent authority under sub-section (1) or as the case may be sub-section (3) is 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 in such manner as may be prescribed.”

4. It is further contended that in response of the RTI application, the Additional Commissioner, Bilaspur, Division Bilaspur was said to be nominated as arbitrator, therefore, the word 'nomination' will not suffice the appointment of Additional Commissioner as required.
5. In response to the aforesaid contention, learned counsel for the respondent railways would submit and place his reliance in the notification dated 17th of December, 2018, which is a Gazette notification, whereby submit that the Additional Commissioner, Bilaspur, Division Bilaspur has been appointed as arbitrator and nomination will include within its sweep the arbitrator.
6. Consequently, as appears that virtually no dispute exists as of now since statutory arbitration already exists and the authority has been nominated i.e. the Additional Commissioner, Bilaspur, Division Bilaspur,

the petitioner may seek the remedy under sub-section (6) of Section 20F of the Act, 1989. The petitioner shall be at liberty to make suitable application before the concerned authority.

7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu