

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P.(227) No. 801 of 2019**

- Ritesh Kumar Agrawal S/o Natwar Lal Agrawal, Aged About 32 Years  
R/o Ward No.5, Baradwar, Tahsil Sakti, District Jangjr Champa  
Chhattisgarh

**---- Petitioner**

***Versus***

1. Sub Divisional Officer (Revenue) And Competent Authority, National Highway No. 200 (New 49) Champa, District Janjgir Champa Chhattisgarh
2. The Upper Commissioner-Cum-Arbitrator, Bilaspur Division, Bilaspur Chhattisgarh
3. National Highway Authority Of India Limited Through Executive Engineer (N.H.) Bilaspur, Division Bilaspur (Chhattisgarh)

**---- Respondents**

***And***

**W.P.(227) No. 802 of 2019**

- Girwar Agrawal S/o Late Harchand Agrawal Aged About 56 Years R/o  
Ward No. 5, Baradwar, Tahsil Sakti, District - Janjgir - Champa  
Chhattisgarh

**---- Petitioner**

***Versus***

1. Sub Divisional Officer (Revenue) And Competent Authority, National Highway No. 200 (New 49) Champa, District Janjgir Champa Chhattisgarh
2. The Upper Commissioner-Cum-Arbitrator, Bilaspur Division, Bilaspur Chhattisgarh
3. National Highway Authority Of India Limited Through Executive Engineer (N.H.) Bilaspur, Division Bilaspur (Chhattisgarh)

**---- Respondents**

***And***

**W.P.(227) No. 804 of 2019**

- Sarla Devi W/o Shri Natwar Lal Agrawal, Aged About 50 Years R/o Ward  
No. 5, Baradwar, Tahsil Sakti, District Janjgir Champa Chhattisgarh

**---- Petitioner**

***Versus***

1. Sub Divisional Officer (Revenue) And Competent Authority, National

Highway No. 200 (New 49) Champa, District Janjgir Champa  
Chhattisgarh

2. The Upper Commissioner-Cum-Arbitrator, Bilaspur Division, Bilaspur  
Chhattisgarh
3. National Highway Authority Of India Limited Through Executive  
Engineer (N.H.) Bilaspur, Division Bilaspur (Chhattisgarh)

**---Respondents**

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|-------------------------------|---|--------------------------------------------------------------------------------------------------|
| For Petitioners               | : | Mr. Tarendra Kumar Jha, Advocate.                                                                |
| For State/respondent No.1 & 2 | : | Mr. Devendra Pratap Singh, Dy.A.G.,<br>Mr. Ghanshyam Patel & Mr. Adil<br>Minhaj, Govt. Advocates |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order on Board**

**05-11-2019**

Heard.

1. These petitions have been brought under Article 227 of the Constitution of India on various grounds including the main ground that petition under Article 34 of Arbitration and conciliation Act has been entertained by the Court below beyond the period of limitation as provided in the Arbitration and Conciliation Act, 1996.
2. As it appears that the petitioner has still opportunity to file application objecting on the maintainability of the petition on the grounds which are mentioned in this petition, therefore, the petitions are disposed off with direction:-
  - (a) The petitioner is at liberty to file application before the Court below challenging the maintainability of the proceeding initiated by respondent No.3 and the Court below is also directed to consider on the merits of the application after giving opportunity to both the parties and decide the application in accordance with law.
3. Accordingly, the petitions stand disposed off.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge