

20.11.2020
Ct. No.24
SL No.7
KS

W.P.A. No.7935 of 2020

**Maya Mallik & Ors.
Versus
State of West Bengal & Ors.
(Via Video Conference)**

Mr. Shibaji Kumar Das
.....For the Petitioners
Mr. Soumitro Bandyopadhyay
.....For the Respondent

Petitioners seek enhancement of compensation received in respect of an adjudication proceedings.

According to the petitioners, a plot of land adjacent to that of the petitioners was acquired. In such acquisition proceedings, a higher amount of compensation was paid by the authorities. Therefore, according to the petitioners, the amount of compensation payable to the petitioners should be revised.

State is represented.

In the facts of the present case, it appears that, the plot of land of the petitioners were acquired under the provisions

of the National Highways Act, 1956. The acquisition proceedings culminated into an award dated July 6, 2017. The petitioners did not challenge the award so passed in the acquisition proceedings under the provisions of the National Highways Act, 1956, although the award passed thereunder, can be challenged under the provisions of the Arbitration and Conciliation Act, 1996.

It is the case of the petitioners that, the subsequent acquisition proceeding of the adjacent plot of land culminated into an award passed in 2019. Therefore, the petitioners became aware that, higher compensation is receivable by the petitioners only in 2019.

With respect, the conclusion of the acquisition proceedings in respect of the adjacent plot of land in 2019 do not vest the petitioners with an additional ground or extends the period of limitation for challenging the award passed under the Act of 1956.

As noted above, the Act of 1956 makes the provisions of the Arbitration and Conciliation Act, 1996 applicable so far an award passed under the Act of 1956 is concerned. The petitioners not having assailed the award, passed under the

Act of 1956 under the provisions of the Arbitration and Conciliation Act, 1996 within the time period prescribed under the provisions of the Act of 1996, no relief can be granted by the writ Court.

W.P.A. No.7935 of 2020 is dismissed without any order as to costs.

(Debangsu Basak, J.)