

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2145 of 2020**

1. Renu Gupta W/o Late Shri Rajesh Gupta, Aged About 58 Years R/o 23/191 In Front Of G.B. Hospital, Juni Line, Bilaspur, District Bilaspur Chhattisgarh
2. Ravish Gupta S/o Late Rajesh Kumar Gupta, Aged About 36 Years R/o 23/191 In Front Of G.B. Hospital, Juni Line, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Rohit Gupta S/o Late Shri Rajesh Kumar Gupta, Aged About 33 Years R/o 23/191 In Front Of G.B. Hospital, Juni Line, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioners**Versus**

1. The Project Director Indian National Highways Authority Project Implementation Unit, Bilaspur, D-61, H.I.G.-1 (Akash), Abhilasha Parisar, Behind New Bus Stand, Tifra, Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. The Executive Engineer, Public Works Department, National Highways, National Highway Division, Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
3. The Sub Divisional Officer (Revenue) And Land Acquisition Officer, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. H. S. Patel, Advocate
For State	:	Mr. Mateen Siddiqui, Dy. AG
For Res. No.1	:	Mr. Dhiraj Kumar Wankhede, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board**

06/10/2020

1. The present petition has been filed on the grievance of the petitioner that compensation against the land of the petitioner acquired by the respondents have till date not been paid/released though considerable period of time has lapsed.
2. During the hearing on admission the counsel for respondent No.1 on advance notice submits that he has sought instructions from the Department and has also filed reply.
3. As per the counsel for respondent No.1 the award in the instant case under the National Highways Act was passed on 01.07.2018 and subsequently the matter traveled before the Arbitrator under Section 3G(5). That the Arbitrator has since passed an order dated 28.01.2020..
4. According to the respondent No.1 the order passed by the Arbitrator was received by respondent No.1 only on 15.06.2020 and now they are in the process of preferring an application under Section 34 of the Arbitration and Conciliation Act before the concerned District Court and for which the notice has already been issued to the petitioners herein that is the beneficiaries from the said award and order passed by the Arbitrator. Counsel for respondent No.1 further submitted that application under Section 34 could not be filed before the District Court for the reason that because of the effect of COVID-19 Pandemic the Courts are closed.
5. In view of the fact that respondent No.1 has already taken steps for pursuing their right under Section 34 of the Arbitration and Conciliation Act against the award dated 01.07.2018 and the order of the Arbitrator dated 28.01.2020, this Court is of the opinion that the writ petition at this juncture can be disposed of reserving the right of the either of the parties to pursue their remedy before the concerned authority.

6. With the aforesaid observations, the present Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit