

December 13, 2021

ARDR

(20)

W.P.A. 10047 of 2021

Ganesh Paul & Ors.

Vs.

The Union of India & Ors.

Mr. Dhananjoy Banerjee,
Mr. Snehansu Majumder,

...for the petitioners.

Ms. Manika Roy,

...for the NHAI.

Affidavit of service filed by the petitioners, be taken on record.

None appears on behalf of the State respondents despite service of notice. Mr. Chandi Charan De who usually appears for the State and is present in Court is requested to appear for the State in this matter. He appointment be regularised by the learned Legal Remembrancer.

Heard learned counsels for the parties.

The grievance of the petitioners is that being dissatisfied by the compensation granted to them upon acquisition of their land by the State authorities and utilisation of the same by the National Highway Authority of India, the petitioners approached the Arbitrator under Section 3(G) (5) of the National Highways Act, 1956. The arbitral award was passed on 1st June, 2017. The petitioners are aggrieved by the said award and pray for enhancement of the same.

It is submitted on behalf of the respondents that the petitioners participated in the proceeding before the Arbitrator and in case of any dissatisfaction against the said award, the remedy of the petitioners lies under Section 34 of the Arbitration and Conciliation Act, 1996.

It is not in dispute that the petitioners approached the Arbitrator under Section 3(G) (5) of the Act of 1956 and participated in the arbitral proceeding by submitting their Statement of Claims. The proceeding has culminated in declaration of award on 1st June, 2017.

According to the petitioners, all the petitioners, except the 3rd, 5th and 9th petitioners, have received the compensation amount.

In view of Section 3(G) (6) of the Act of 1956, the petitioners are at liberty to take necessary steps under Section 34 of the Arbitration and Conciliation Act, 1996 before the appropriate forum.

With the above observations and directions this writ petition WPA 10047 of 2021 is disposed of. However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)