

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 4358 of 2021

Smt. Omkaleshwari Jaiswal W/o Shri Santosh Kumar Jaiswal, Aged About 45 Years R/o Village Sutarra, Tahsil Podi Uproda, District Korba Chhattisgarh.

---- Petitioner

Versus

1. Union Of India Through The Indian National Highway Authority, Pot Transport, Road Transport And Highway Department, Through The Projector Director, Indian Highway Authority Bilaspur, P.Ka.E. Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. The Sub Divisional Officer (Revenue) And Competent Authority, Land Acquisition, Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh
3. The Commissioner, Bilaspur Division, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	: Shri Goutam Khetrapal and Ms. Nupoor Sonkar, Advocate.
For respondent No.1	: Shri Tushar Dhar Dhiwan, Advocate for Asst. S.G.
For respondents No.2 & 3/ State	: Shri Sudeep Agrawal, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29.10.2021

Heard on petition.

1. The petitioner is the land owner whose land is acquired by respondent No.2 for respondent No.1. The compensation was determined on 15.7.2019. The petitioner then preferred an application under Section 3G(5) of the National Highways Act, 1956 praying for reference of the case for arbitration. The same is pending before the Arbitrator. Copy of the order-sheets (Annexure-P/3) have been filed, which shows that after the institution on 13.10.2018, the case has made no progress, whereas, there is time limit under Section 29A of the Arbitration and Conciliation

Act, 1996. Therefore, it is prayed that the petition be disposed of with a direction.

2. Learned State counsel representing for respondents No.1, 2 & 3 opposes the submissions and submits that the Supreme Court in the case of *suo moto* in W.P.(C) No. 3 of 2020 has held as to in what manner the period of pandemic shall be taken into consideration for condoning the delay, which has been filed with delay, therefore, the prescribed period for the passing of award in the present arbitration case would expire on 15th March, 2020. However, there is no objection if the Court disposes of this petition with a direction.
3. Learned State counsel appearing for respondents No.2 & 3 submits that appropriate orders be passed.
4. After considering on the submissions made by counsel for both the parties, the petition is disposed of at motion stage.
5. Respondent No.3 is directed to take up the proceeding on the case No.463 of 2019-20 expeditiously and decide the same within a time limit which shall be before 31st December, 2021.

Sd/-

(Rajendra Chandra Singh Samant)
Judge