



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2021

CORAM

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.18031 of 2021

C.Somasundaram

... Petitioner

Vs.

1.The District Collector/Arbitrator,
Madurai.

2.The District Revenue Officer (LAO),
Madurai Natham Four Laning and
Widening of NH 785,
National Highways,
Collector's Office, Madurai.

3.The Deputy General Manager (T) and
Project Director,
Madurai-Natham Four Laning and Widening of NH 785,
National Highways Authority of India,
Madurai.

... Respondents

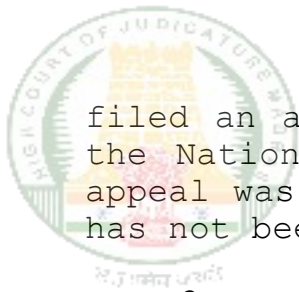
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to dispose the petitioner's arbitration proceedings in Appeal No.11 /MNT / Chathirathondamanpatti/2019 filed under Section 3G (5) of the National Highways Act within a time frame fixed by this Court.

For Petitioner : Mr.M.P.Senthil
For R-1 and R-2 : Mr.P.Subbaraj
Counsel for State.
For R-3 : Mr.Arul Vadivel @ Sekar
Standing Counsel

ORDER

This Writ Petition is filed for the expeditious disposal of arbitration proceedings bearing Appeal No.11/ MNT/ Chathirathondamanpatti/ 2019, which was filed by the petitioner.

2.The petitioner states that an award was passed under Award No.11/2018 dated 24.08.2018 fixing the compensation in respect of an acquisition under the National Highways Act, 1956. In view of the fact that the quantum of compensation was very low, the petitioner



filed an appeal before the first respondent under Section 3G(5) of the National Highways Act, 1956. In spite of the fact that such appeal was filed in January 2019, it is stated that the said appeal has not been disposed of.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first and second respondents and Mr.Arul Vadivel @ Sekar, learned Standing Counsel, accepts notice on behalf of the third respondent. Mr.Arul Vadivel @ Sekar submits that the pleadings in the proceedings before the designated arbitrator were completed by 15.04.2019. Consequently, he submits that the time limits specified under Section 29A of the Arbitration and Conciliation Act, 1996 expired on 15.04.2020. Therefore, he submits that directions may be issued for the conclusion of arbitration proceedings within a specified time limit.

4.The Arbitration and Conciliation Act, 1996 fixes a time limit of six (6) months for the completion of pleadings, and a further time limit of twelve (12) months for the conclusion of proceedings by the issuance of an arbitral award. The time limit for issuance of an arbitral award is reckoned from the date of completion of pleadings.

5.In the case at hand, the time limit for conclusion of proceedings appears to have expired on or about 15.04.2020. Therefore, it is just and necessary that such proceedings be concluded as early as possible.

6.Accordingly, the first respondent is directed to conclude the pending arbitration proceedings within a period of four (4) months from the date of receipt of a copy of this order.

7.W.P.(MD).No.18031 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-III)

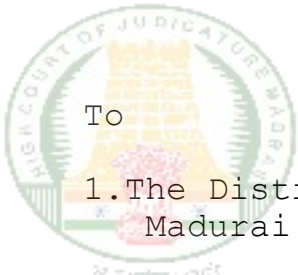
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/ /2021

Sub Assistant Registrar(CS)

sji/sn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Collector/Arbitrator,
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3.The Deputy General Manager (T) and
Project Director,
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National Highways Authority of India,
Madurai.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-31425[F] dated 06/10/2021)

+1 CC to M/s.SPL.GP (SR-31494[F] dated 07/10/2021)

W.P (MD) No.18031 of 2021
06.10.2021

NSN (CO)
KB (21.10.2021) 3P 6C