



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.17976 of 2021

WEB COPY

Kumar

... Petitioner

Vs.

1.The District Collector/Arbitrator,
Madurai.

2.The Special District Revenue Officer (LAO),
Madurai Ring Road Scheme,
NH 744-A, National Highways,
Madurai.

3.The Deputy General Manager (T) and
Project Director,
Madurai Ring Road Scheme,
NH 744-A, National Highways,
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 arbitration proceedings in Appeal No.13/VPT/Thandalai Village/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.B.Saravanan 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.13/VPT/Thandalai Village/2019 which was filed by him.

2.The petitioner states that an award was passed under Award No.16/2019 dated 16.04.2019 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 December 2019, it is stated that the said appeal has not been disposed of.



3.Mr.B.Saravanan, 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 27.01.2020. Consequently, he submits that the time limits specified under Section 29A of the Arbitration and Conciliation Act, 1996 expired on 27.01.2021. 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 27.01.2021. 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.17976 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Special District Revenue Officer (LAO),
Madurai Ring Road Scheme,
NH 744-A, National Highways,
Madurai.

3.The Deputy General Manager (T) and
Project Director,
Madurai Ring Road Scheme,
NH 744-A, National Highways,
Madurai.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-31296[F] dated 05/10/2021)

+1 CC to M/s.SPL.GP (SR-31334[F] dated 06/10/2021)

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05.10.2021

NSN(CO)/RS (20.10.2021) 3P 6C