

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17552 of 2021

Smt. Punam Singh Wife of Dhanjee Singh Resident of Village - Chhota Sasaram, Police Station- Udwant Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road, Transport and Highways, Government of India, Transport Bhawan, 1, Parliament Street, New Delhi - 110001.
2. The Ministry of Road, Transport and Highways through its Secretary, Government of India, Transport Bhawan, 1, Parliament Street, New Delhi - 110001.
3. The Secretary, Ministry of Road, Transport and Highways through its Secretary, Government of India, Transport Bhawan, 1, Parliament Street, New Delhi - 110001.
4. The Arbitrator - cum- the Divisional Commissioner, Patna.
5. The Competent Authority - cum- District land Acquisition Officer, Arrah.
6. The District Magistrate - cum - Collector, Bhojpur, Arrah.
7. The Additional District Magistrate, Bhojpur, Arrah.
8. Sri Madan Singh Son of Late Girja Singh Resident of Mohalla - Mirganj Singh Colony, Arrah, Police Station - Arrah Nagar, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Ashok Kumar Singh, Mr. Anant Kumar Pandey, Advocates
For the Union of India	:	Dr. Krishna Nandan Singh Addl. Sol. General
For the State	:	Mr. Rishi Raj Sinha, SC 19 Mr. Saurabh Kumar, AC to SC 19
For the NHAI	:	Mr. S.N. Pathak, SC Mr. Saurav Nikunj, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 14-09-2022 Counter affidavit has been filed on behalf of the

NHAI which is taken on record.

Heard the parties.

The order dated 02.03.2021 passed by the Divisional
Commissioner-cum-Arbitrator, Patna in N.H. Arbitration Case
No.779 of 2018 is under challenge.

The petitioner is permitted to withdraw this writ



petition to challenge the order dated 02.03.2021 before the District Judge, Bhojpur.

The District Judge, Bhojpur will consider the fact that only limited ground for interfering in the award under Section 34 of the Arbitration and Conciliation Act, 1996 (in short, “Arbitration Act”) is prescribed. He will not travel beyond the provisions of Section 34 of the Arbitration Act while hearing the appeal of the petitioner. The District Judge, Bhojpur will dispose of the petition under Section 34 of the Arbitration and Conciliation Act within six months of its filing.

The locus of NHAI will also be examined by the District Judge, Bhojpur whether the NHAI can challenge the award made by the Arbitrator under the provisions of the National Highway Act, 1956.

If an application is filed before the District Judge, Bhojpur within thirty days from today, limitation, if any, shall be condoned by the District Judge, Bhojpur who shall hear the case on merits.

With the aforesaid observation and direction, this writ petition is disposed of.

(Sandeep Kumar, J)

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