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07.07.2022
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W.P.A. 795 of 2022
(Pagal Sardar vs. Union of India & Ors.)

Mr. Parashar Baidya
Mr. Partha Sarathi Das
.... For the Petitioner

Mr. Ansar Mondal
Mr. Sougata Mitra
.... For the State

Ms. Monika Roy
.... For the NHAI

Report in the form of affidavit filed by the 2nd, 3rd
and 4th respondents is taken on record.

Heard learned counsels for the parties.

The *primary* grievance of the petitioner is that despite approaching the learned Arbitrator for enhancement of compensation amount paid to him under Section 3 G (5) of the National Highways Act, 1956, the copy of the arbitral award was not served on him in terms of Section 31 (5) of the Arbitration and Conciliation Act, 1996. The petitioner has other grievance with regard to the findings arrived at by the learned Arbitrator.

Per contra, learned counsels for the State respondents as well as the NHAI submit that the arbitral award was passed after affording reasonable opportunity of hearing to the petitioner and the petitioner was aware of the said award all throughout despite which he chose to approach this Court after lapse of considerable period of time, such delay not being explained.

The petitioner further submits that the order passed by the learned Arbitrator cannot be termed as an arbitral award in terms of Section 31(5) of the Act of 1996.

The said contention of the petitioner is disputed by the respondents.

There is nothing on record to demonstrate that after conclusion of arbitration on 2nd August, 2017 the signed copy of the order was served on the petitioner in terms of Section 31(5) of the Act of 1996.

In view of the same, the concerned Authority, being the 5th respondent herein, is directed to serve a signed copy of the arbitral award upon the petitioner in terms of Section 31(5) of the Act of 1996 within one month from the date of communication of this order.

Upon receipt of the said signed copy, the petitioner shall be at liberty to approach the appropriate Forum for redressal of his grievance.

With the aforesaid observations and directions the writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)