

29.11.2022
rc/ct.no.10
Item No.54

WPA No. 16112 of 2022

Mr. Biswarup Biswas ...for the Petitioners

Mr. Chandi Charan De
Mr. Somnath Mukherjee ...for the State

Mrs. Monika Roy ...for the NHAI

Report submitted on behalf of the State-respondents is taken on record.

The petitioner is aggrieved by the decision of the arbitral authority to grant a portion of the arbitral award to the petitioner and the remaining portion to one Tumpa Mondal. The petitioner claims that he is entitled to the entire arbitral award determined by the authority.

In an earlier writ petition being WPA No. 17700 of 2021, this court, by an order passed on 08.03.2022 held that the petitioner is entitled to receive the entire amount of compensation from the State-respondents and the State-respondents were directed to pay the entire compensation along with statutory interest thereon to the petitioner within two months from the date of communication of the order. In view of the said observation by the Court in the earlier writ petition, the petitioner is entitled to the entire enhanced amount decided by way of arbitration to the tune of Rs. 4,37,611/.

It is submitted on behalf of the National Highways Authority of India (in short, "NHAI") that the entire amount has been deposited with the competent authority.

Placing reliance the report of the State-respondents learned counsel for the State-respondents has submitted that though the enhanced arbitral award was ready for payment, the petitioner did not turn up for receiving such payment despite repeated verbal request made to him for the reason that the petitioner was held to be entitled to receive only 2/3rd of the amount.

In view of the above the 3rd respondent is directed to disburse the entire additional amount of compensation amounting to Rs. 4,37,611/- in favour of the petitioner within one month from the date of communication of this order.

With regard to the interest in respect of the enhanced arbitral amount, the petitioner seeks liberty to approach the appropriate forum for redressal. Such liberty is granted.

With the above observations and directions this writ petition is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)