

04.02.2022
rc/ct.no.10
Item No.02-05

WPA No.20439 of 2017
Abdur Rouf
Versus
Union of India & Ors.
And
WPA No.20440 of 2017
Md. Muktarul Alam
Versus
Union of India & Ors.
And
WPA No.20441 of 2017
Md. Aktarul Alam
Versus
Union of India & Ors.
And
WPA No.20442 of 2017
Md. Rafikul Alam
Versus
Union of India & Ors.

(VIA VIDEO CONFERENCE)

Mr. Arindam Das	
Mr. Biswajit Sarkar	
Mrs. Rumeli Sarkar	..for the petitioners
Mr. Dipankar Das	...for the NHAI
Mr. Chandi Charan De	
Mr. Anirban Sarkar	
Mr. Ram Chandra Guchait	...for the State

It is not in dispute that the arbitral award dated February 19, 2016 with regard to the enhancement of compensation was on the basis of hearing which concluded on December 11, 2015. The petitioners filed an application under Section 3G(5) of the National Highways Act, 1956 before the Arbitrator on December 29, 2014 and notice of hearing was issued to the petitioners on

December 14, 2015, i.e. after the conclusion of hearing in the earlier arbitration case. This indicates that the prayer of the petitioners was not considered in the order dated February 19, 2016.

In view of the above, this Court is of the view that the application filed by the petitioner under Section 3G(5) of the National Highways Act, 1956 on December 19, 2014 is required to be disposed of by the learned Arbitrator on merits within a stipulated time frame.

Accordingly, these writ petitions are disposed of directing the District Magistrate, Malda, the respondent no. 5 herein, to place the application filed by the petitioners before the concerned Arbitrator for disposal of the same on merits upon hearing the concerned parties including the petitioners.

The arbitral proceeding should be concluded by the learned Arbitrator within a period of two months from the date of receipt of the application.

The award passed by the learned Arbitrator be communicated to the petitioners within a week thereafter.

With the above observations and directions these writ petitions being WPA No. 20439 of 2017, WPA No. 20440 of 2017, WPA No. 20441 of 2017 and WPA No. 20442 of 2017 are disposed of.

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

Since no affidavit is invited, the allegations contained in these petitions 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)