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03.03.2022
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W.P.A. 23175 of 2012
(Ram Lal Saha vs. Union of India & Ors.)

Mr. Amales Roy
Mr. Aman Gupta
... For the Petitioner

Mr. Dipankar Das
... For the NHAI

None appears for the State respondents despite service of notice.

Mr. Chandi Charan De who usually appears for the State and is present in Court is requested to represent the State in this matter. His appointment be regularised by learned Legal Remembrancer.

The petitioner complains that he received the amount of compensation determined by the National Highways Authority of India without prejudice and being dissatisfied with such amount, approached the Arbitrator under Section 3 G (5) of the National Highways Act, 1956. Though a notice of hearing was issued to the petitioner by the Arbitrator, no hearing

actually took place and the petitioner is yet to learn about the arbitral award, if any.

It appears from the order passed on 27th April, 2015 that according to the submission of the petitioner, the learned Arbitrator enhanced the amount of compensation by Rs.1,90,950/- and the petitioner has already received a notice to that effect.

Learned counsel appearing for the National Highways Authority of India submits that the arbitral award has been placed before the competent Authority.

In view of the same, this Court, by an order dated 27th April, 2015 directed the 6th respondent to make payment of the enhanced amount to the petitioner within two weeks from the date of the order. It is not in dispute that the said award has not yet been received by the petitioner.

Having considered the submission made on behalf of the parties, the writ petition is disposed of directing the 6th respondent to make payment of the arbitral award to the petitioner within one month from the date of communication of this order, in accordance with law.

With the above directions, W.P.A. 23175 of 2012 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.)