

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1130 of 2023

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Yugeshwar Singh, Son of Late Doman Singh, R/o Village - Pirajpur P.O.-
Baliya, P.S.- Amba (Kutumba) District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the Secretary of Transport Road Construction Ministry, New Delhi.
2. The Chairman, National Highway Authority of India, Dwarika, New Delhi.
3. The Project Manager/ Director National Highway Authority of India, Dhanbad Zone.
4. The State of Bihar, through the Principal Secretary, Department of Land Reforms and Revenue, Bihar, Patna.
5. The Court of the Arbitrator -Cum- Commissioner, Magadh Division, Gaya.
6. The District Magistrate -Cum- Collector, Aurangabad (Bihar).
7. The District Land Acquisition Officer-Cum-Additional Collector-Cum-Competent Authority-Cum, Land Reforms Deputy Collector, Aurangabad.
8. The Circle Officer, Aurangabad (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar, Advocate

For the Res. Nos. 2 &3 : Mr.Gaurav Govind, Advocate

Mr. Vinayak, Advocate

For UoI : Mr. R. K. Sharma, CGC

For the State : Ms. Nutan Sahay, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 03-07-2023



Heard learned counsel for the parties.

2. The present writ application has been filed for quashing of the order dated 23.07.2022 passed in Arbitration Case No. 97 of 2019 by the Court of Arbitrator -cum- Commissioner, Magadh Division, Gaya.

3. It transpires from the record that the present arbitration continued in accordance with Section 3G (4 & 5) of the National Highways Act, 1956 (hereinafter referred to as ‘the Act of 1956’).

4. Section 3G (6) of the Act of 1956 states that *“subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act, i.e. Act of 1956.”*

5. The provision of challenging the arbitral award is present in Section 34 of the Arbitration and Conciliation Act, 1996 (26 of 1996). As such, the petitioner has only remedy to challenge the said order before the appropriate authority under Section 34 of the Arbitration and Conciliation Act, 1996 (26 of 1996).

6. Accordingly, the writ petition stands disposed of granting such liberty to the petitioner.

7. It is made clear that the issue of limitation, if any,



shall not come in the way of the authority in deciding the petition on merit which shall be filed by the petitioner under Section 34 of the Arbitration and Conciliation Act, 1996 since the petitioner is pursuing remedy before this Court.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2023
Transmission Date	NA

