

03.10.2023
Court No.1
Item No. 7
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**MAT 5 of 2019
With
CAN 2 of 2019**

**Sri Snehasis Sarkar, minor, represented by
natural guardian and father, Nepal Sarkar
Vs.
Union of India and Ors.**

Mr. Sarbendu Sanyal

... For the Appellant.

Mr. H. Barman

... For the State.

Ms. Supriya Singh

... For the N.H.A.I.

1. The instant appeal is directed against a judgment and order date 23rd August, 2018 passed by the learned Single Bench of this Court holding an award passed in favour of the appellant under Section 3G(5) of the National Highways Act, 1956 may be executed under the Arbitration and Conciliation Act, 1996.

2. The Single Bench held that the Arbitration and Conciliation Act may be resorted to by the petitioner since only a limited portion of the 1956 Act to the extent that it is inconsistent with the Act of 1996 can be taken benefit of by the petitioner.

3. Counsel for the appellant submits that there are subsequent events. It is submitted that the

compensation for the entire mouza came to be modified and increased in a subsequent award passed by the arbitrator on 6th December, 2018 after the impugned order was passed. The appellant was neither informed of the proceedings nor was informed of the order.

4. Counsel for the National Highways Authorities submits that the said award and a further award have been challenged and re-challenged under section 34 of the 1996 Act. The re-challenged proceedings are pending.

5. The appellant may take steps in accordance with law as he may be advised to enable him to obtain appropriate compensation for acquisition of his land.

6. With the aforesaid observations, the appeal shall stand disposed of.

7. In view of the disposal of the appeal, connected applications, if any, shall also stand disposed of.

8. There shall be no order as to costs.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)