

Talwalkar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 100 OF 2022**

Narendra Pratap Singh ...Applicant
Versus
Chairman National Highway Authority & Ors ...Respondents

Mr Hitesh Vyas, with Chandrashekhar Yadav & Bindvasini Yadav,
i/b Surekha S Wakle, for the Applicant.
Mr Rakesh Singh, i/b MV Kini & Co, for the Respondent No.1.
Mr Anand Pai, with Harshad R Vyas, i/b AVP Partners, for the
Respondent No. 3.

CORAM Kamal Khata, J.
DATED: 18th December 2023

PC:-

1. The Applicant has filed this Application seeking appointment of an Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996 (“**the Arbitration Act**”). Prayer clauses therein are as under:

(i) Issue an order and direction and appoint an arbitrator for determining and settle the entire dispute of payment by making award in accordance with law.

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(ii) Arbitration may be directed to conclude arbitral proceeding well within reasonable time to which this Hon'ble Court may be pleased to fix in the interest of justice.

2. My attention is drawn to the arbitration clause paragraph-14 at page-19 which evinces the agreement between the parties to refer the dispute for arbitration. Reference is then made to the two letters dated 11th April 2015 and 22nd August 2015 addressed to the Respondents. In response, the Respondent No. 2 namely The National Highway Authority of India informs the Applicant that the letter dated 22nd August 2015 does not pertain to their office and returned the original papers to the Petitioner.

3. The Applicant then filed Writ Petition No. 3565 of 2016 which was disposed of by an order dated 3rd February 2016 on the ground that the Petitioner would have to pursue his civil remedy for recovery of its dues or if there is an arbitration clause between the parties to invoke the terms of the agreement.

4. The learned Counsel for the Applicant fairly points out that an application made before the Allahabad High Court under section 11 (4) bearing No. 29 of 2017 was also dismissed for want of territorial jurisdiction on 11th December 2017.

5. Counsel for the Respondent raised a preliminary objection and contends that the Application is barred by law of limitation.

6. It is apparent from the record that no steps whatsoever have been taken by the Applicant to invoke arbitration since December 2017. Thus this Application is barred by law of limitation.
7. The Petition is dismissed. No order as to costs
8. Parties to act on the authenticated copy of this order.

(Kamal Khata, J)