

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3875/2019

Suresh s/o Damuji Patil

...Versus...

The Secretary to the Government of India, Ministry of Road Transport and
Highways, Dwarka, New Delhi and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri S.P Kshirsagar, Advocate for petitioner
Shri N.R. Patil, AGP for respondent nos.1 to 3

CORAM : AVINASH G. GHAROTE, J.

DATE : 13/07/2023

Heard Shri S.P. Kshirsagar, learned counsel for the petitioner. The petition challenges the award dated 30/06/2015, passed by the learned Arbitrator under Section 3-G (5) of the National Highways Act, 1956 (for short "N.H. Act" hereinafter) [pg.59], in spite of the remedy available under Section 34 of the Arbitration and Conciliation Act, 1996 (for short, "A and C Act" hereinafter) since the same was not availed within time-frame stipulated therein. In my considered opinion, such a challenge cannot be entertained for the reason that since a specific remedy was provided under Section 34 of the A and C Act, by virtue of the provisions of Section 3-G (6) of the N.H. Act and the same has not been availed within the

time-frame stipulated therein, the remedy has been lost. Once that has happened, the same relief cannot be sought by invoking the jurisdiction of this Court under Article 226 of the Constitution of India. I therefore do not see any reason to entertain the present petition. The writ petition is dismissed. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar