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CMP No.24247 of 2023

in

CMA Sr No.61235 of 2023

D.KRISHNAKUMAR, J.

and

P. DHANABAL, J.

(Order of the Court was made by
D.Krishnakumar, J.)

This petition is filed to grant leave to the petitioner/National Highways Authority of India, to file the instant appeal against the order in Arbitration OP No.1 of 2010 on the file of the Principal District Judge, Vellore dated 08.06.2018.

2. The case of the petitioner is that the first respondent Company filed an Arbitration Petition before the second respondent/Arbitrator seeking enhancement of compensation as claimed in the petition dated 29.07.2004. On 19.11.2009, the second respondent/Arbitrator has ultimately held as follows:

"Since the Competent Authority and Special District Revenue Officer has enhanced the compensation for the lands acquired, it is hereby ordered that the resultant differential compensation amount shall be paid as per Rule



3H(5) of the National Highways Act, 1956 from the date of taking possession at 9% interest, as per the provisions of National Highways Act, 1965 from the date of taking possession at 9% interest, as per the provisions of National Highways Act, 1956 to the land owners.

3. Aggrieved by the aforesaid order, an appeal has been preferred in Ar.OP.No.1 of 2010 by the first respondent before the Principal District Judge, Vellore. By Judgment dated 08.06.2018, the Principal District Judge, Vellore, had set aside the order dated 19.11.2009 and partly allowed the said appeal. Aggrieved by the said Judgment, the petitioner/National Highway Authority of India, seeks leave to the petitioner/National Highways Authority of India, to file the instant appeal against the judgment in Arbitration OP No.1 of 2010 on the file of the Principal District Judge, Vellore dated 08.06.2018.

4. Learned Standing Counsel for the petitioner/National Highway Authority of India submits that petitioner was not a party in the aforesaid appeals before the second respondent/Arbitrator or before the Principal



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District Judge, Vellore. The petitioner/National Highway Authority of India is a requisite party. Therefore, they have a right to file an appeal as against said judgment dated 08.06.2018 passed by the District Court, Vellore. He has further stated that the petitioner had received a communication, about the passing of the impugned judgment dated 08.06.2018, from the second respondent only on 03.04.2023. Therefore, there is no delay on the part of the petitioner and the said fact has not been disputed by the respondent 3.

5. In view of the above, leave is granted to the petitioner/National Highway Authority of India to file an appeal against the judgment dated 08.06.2018.

6. Mr. R.Siddharth, Government Advocate, takes notice for the third respondent.

7. List the dispense with petition on **06.11.2023**, if numbered.

[D.K.K., J.] [P.D.B., J.]
02.11.2023

mrn



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