

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13438 of 2024

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Smt. Nutan W/o- Arun Kumar Gupta R/o- Ward No.- 2, Manikpur, P.S.-
Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. Union of India through the Secretary of Transport and Road Construction Ministry, New Delhi.
2. The Chairman, National Highway Authority of India, Dawarika, New Delhi.
3. The Regional Officer, MORTH and H, Village- Chakmusa, Near Nakati Bhawani Mandir on NH- 98, Khagaul, Patna.
4. The Chief Engineer NH (North Division), R.C.D., Bihar, Patna.
5. The Nodal Officer, NHIIP, R.C.D., Bihar, Patna.
6. The Superintendent Engineer (EAP), MORTH and H, Delhi.
7. The State of Bihar, through the Principal Secretary, Department of Land Reforms and Revenue, Bihar, Patna.
8. The Executive Engineer, National Highway Division, Madhepura.
9. The District Collector, Madhepura, District- Madhepura.
10. The Land Acquisition Officer cum Competent Authority N.H.- 106, Madhepura.
11. The Circle Officer, Madhepura Circle, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate
For the Respondent/s	:	Mr. Rewti Kant Raman, AC to SC-11
For the NHAI	:	Dr. Anand Kumar, Advocate
		Mr. Rajan Prakash, Advocate
For the MoRTH	:	Mr. Anshay Bahadur Mathur, CGC

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-09-2024

Heard the parties.

2. The petitioner by invoking the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India seeking a direction commanding upon the respondents to pay the award amount to the petitioner passed in Arbitration



Case No. 31 of 2020 by the learned Commissioner, Koshi Circle, Saharsa with interest from the date of amount being due, in terms of the order passed by the learned Additional District Judge-III, Madhepura in Execution Case No. 06 of 2023.

3. Learned Senior Advocate for the petitioner contended that the facts of the case in narrow compass is that earlier the petitioner had approached before this Court in CWJC No. 1694 of 2023, seeking a direction upon the respondents to pay their compensation award, in the light of the order passed by the learned Commissioner Court, Koshi Circle, Saharsa in Arbitration Case No. 31 of 2020. Learned Court taking note of the efficacious remedy, as provided under Section 36 of the Arbitration and Conciliation Act, 1996 disposed off the writ petition, with a liberty to the petitioner to pursue the remedy and directed the authority concerned to expedite the disposal of the matter.

4. Finally the Execution Case has been disposed off vide order dated 08.02.2024, directing the Executive Engineer, National Highway, Madhepura to pay the rest of the amount i.e. Rs. 3,66,61,312/- to the present petitioner, immediately within 15 days after receipt of this order, with a clear stipulation that failure to the aforesaid direction, law will take its own course.



Despite the order aforementioned, till date, the petitioner has not been accorded the award amount. The matter has been pending before the learned Additional District Judge-III, Madhepura since 08.02.2024. The order sheet has been brought on record by way of Annexure-P/5 series. By one pretext or other, the payment has not been made; in such compelling circumstances, the petitioner left with no option, but to approach before this Court.

5. Learned Advocate for the respondents fairly submitted that any award passed under Section 36 of the Arbitration and Conciliation Act, 1996 shall be enforced in accordance with the provisions of the Code of Civil Procedure, 1908, in the same manner as if it was a decree of the court.

6. Having heard the fair submissions of the learned Advocate for the respondents and also taking note of the materials available on record, this Court thinks it apt and proper to dispose off the writ petition with a hope and expectation that the learned Additional District Judge-III, Madhepura shall bring the Execution Case No. 06 of 2023 to its logical end by sowing compliance thereof, preferably within a period of eight weeks, from the date of receipt/production of a copy of this order.

7. Learned Advocate for the MoRTH as well as NHAI



are also directed to co-operate in compliance with the execution of the order dated 08.02.2024, passed in Execution Case No. 06 of 2023, if the award holds the field till date.

8. The writ petition stands disposed off.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2024
Transmission Date	NA

