

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14548 of 2023

-
1. Nilabh Kirty Son of Sri Ram Iswar Resident of Village - Dumranwa, P.O. - Abdalchak, P.S. - Asthawan, District - Nalanda.
 2. Skand Vaibhav, Son of Sri Ram Iswar Resident of Village - Dumranwa, P.O. - Abdalchak, P.S. - Asthawan, District - Nalanda.

... .. Petitioner/s

Versus

1. The National Highways Authority of India New Delhi through its Chairman.
2. The Chairman, National Highways Authority of India, New Delhi.
3. The Managing Director, the Bihar State Road Development Corporation Ltd., Patna.
4. The Arbitrator/Tribunal cum the Divisional Commissioner, Patna Division, Patna.
5. The Competent Authority cum the District Land Acquisition Officer, Nalanda at Biharsharif.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Bhushan Das, Advocate
For the NHAI	:	Dr. Maurya Vijaya Chandra, Advocate
		Mr. Gaurav Govinda, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-02-2024 Heard learned counsel for the parties.

2. Present writ petition has been filed for quashing the Award Nos. 27 and 28 in L.A. Case No. 62/2014-15 passed by the Competent Authority-cum-the District Land Acquisition Officer, Nalanda at Biharsharif (Respondent No. 5) contained in Annexure-1 and order dated 10.12.2019 passed by the Arbitrator/Tribunal-cum-Divisional Commissioner, Patna Division, Patna (Respondent No. 4) passed in N.H. Arbitration Case No. 19/2018 contained in Annexure-2.



3. Learned counsel for the NHAI raises preliminary objection and submits that the Award Nos. 27 and 28 in L.A. Case No. 62/2014-15 are prepared under Section 3G(5) of The National Highways Act, 1956 and therefore, the present writ petition is not maintainable. He further submits that it is settled law that any award by an arbitrator can be challenged under **Section 34 of the Arbitration and Conciliation Act, 1996** which reads as:

“Section 34. Application for setting aside arbitral awards.

(1) Recourse to a Court against an arbitral award may be made only by an application for setting aside such award in accordance with sub-section (2) and sub-section (3).”

4. Learned counsel for the petitioners does not dispute the above proposition.

5. In the above view of the matter, this writ petition is permitted to be withdrawn granting liberty to the petitioners to file an application under Section 34 of the Arbitration and Conciliation Act, 1996.

6. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered taking into consideration the fact that the petitioners were pursuing the issue before this Court under



Article 226 of the Constitution of India.

7. Writ petition stands disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

Navya/-

U			
---	--	--	--

