

27.11.2024
Ct. No. 2
Sl. No. 37
tbsr

WPA 27310 of 2024

Afroz Khan & Ors.
Vs.
State of West Bengal & Ors.

Ms. Rita Patra
Ms. P. Das
....for the petitioners

Mr. Somnath Ganguli
Ms. Kalpita Paul
....for the State respondent

Ms. Rita Patra, learned counsel appears for the petitioners.

Ms. Kalpita Paul, learned State counsel led by Mr. Somnath Ganguli, learned Additional Government Pleader appears for the respondent nos. 1 to 4.

None appears for the rest of the respondent.

Petitioners claim higher compensation being aggrieved by the compensation awarded for the land acquired by the State belonging to the petitioners.

Page 34 to 38 to the writ petition shows that a communication was issued by the respondent no. 3 dated **September 26, 2019** which shows that matter has already been referred before the respondent no. 2, the designated arbitrator under **Section 3G(5)** of the **National Highways Authority of India Act, 1956**. Copy of the claim submitted by the petitioners is also annexed at **page 14** to the writ petition. The

petitioners allege no further steps have been taken save and except holding one hearing by the respondent no. 2.

In view of the above, the respondent no. 2 is directed to conclude the arbitration proceeding by granting an opportunity of hearing to the parties to the arbitration and then to pass its reasoned award strictly in accordance with law positively within a period of **three months** from the date of communication of this order.

The award then shall be communicated to the petitioners positively within a period of **two weeks** from the date of the said award to be made by the respondent no. 2.

It is made clear that this Court has not gone into the merits of the arbitration reference pending before the respondent no. 2 and the petitioners shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent no. 2 arbitrator but the same shall not travel beyond the scope of his claim at **page 14** to the writ petition.

It is made clear that after the award is passed by the respondent no. 2 arbitrator, then if the parties to the arbitration are aggrieved with such award they

shall take recourse to the Arbitration and Conciliation Act, 1996.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 27310 of 2024** stands **disposed of**, without any order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)