

S/L 8
02.07.2025
Court. No. 19
Suwayan

WPA 16429 of 2024

**Ilam Sekh & Ors.
Vs.
Union of India & Ors.**

*Mr. Tapas Kumar Manna
Ms. Anindita Majumder
Mr. Yusuf Ali*

...for the petitioners.

*Mr. Rajendra Banerjee
Mr. Pradyut Saha*

...for U.O.I.

*Mr. Chandi Charan De, AGP
Mr. Ayan Banerjee
Mr. Anirban Sarkar*

...for the State.

Ms. Manika Roy

...for N.H.A.I.

1. The parties are represented.
2. By filing the instant writ petition the writ petitioners have prayed for issuance of appropriate writ/writs against the respondents/authorities for granting and/or for disbursement of appropriate compensation in connection with LA case no. NHAI-NH-34-16/2009-10 in favour of the writ petitioners at the prevailing market rate.
3. In course of hearing Mr. Manna, learned Advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to page no. 13 of the instant writ petition. It is submitted by Mr. Manna that it is undisputed that in a proceeding under Section 34 of the jurisdictional District Judge came to a finding that the jurisdictional District Magistrate is not the

statutory arbitrator under Section 3G (5) of the National Highways Act, 1956 (hereinafter referred to as the 'said Act of 1956'). It is submitted further that thereafter the statutory arbitrator has passed an award keeping the writ petitioners in dark.

4. It is thus submitted by Mr. Manna that appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.
5. *Per contra*, Mr. De, learned AGP duly assisted by Mr. Banerjee, learned Advocate appearing on behalf of the respondents/State at the very outset draws attention of this Court to the report as submitted before this Court by the respondent no. 6/authority. It is submitted that from the report it would reveal that challenging the quantum of compensation as awarded by the CALA an arbitration proceeding was initiated wherein the statutory arbitrator under Section 3G of the said Act of 1956 has also passed arbitral award in favour of the present writ petitioners which has not been accepted by the writ petitioners.
6. It is further submitted on behalf of the State that in the event the writ petitioners are not satisfied with the arbitral award as passed by the statutory arbitrator the remedy lies with the writ petitioners under the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'said Act of 1996') in terms of provisions of Section 3G(6) of the said Act of 1956.
7. In course of her argument Ms. Roy, learned Advocate appearing on behalf of NHAI and its functionaries

adopted the argument as advanced by Mr. De and Mr. Banerjee.

8. Mr. Banerjee and Mr. Saha, learned Advocates appearing on behalf of the Union of India also adopted the argument of Mr. De and Mr. Banerjee.
9. On careful perusal of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties it appears to this Court that sufficient materials have been placed before this Court that challenging the award as passed by the CALA an arbitration proceeding was initiated by the statutory arbitrator under Section 3G (5) of the said Act of 1956.
10. It reveals from the said arbitral award that the said arbitrator has quantified the arbitral awarded amount in favour of the writ petitioners.
11. As rightly pointed out, Section 3G (6) of the said Act of 1956 clearly mandates that subject to the provisions of the said Act of 1956, the provisions of the said Act of 1996 would apply to every arbitration under the said Act of 1956.
12. In view of such, this Court has got no hesitation to hold that in the event the writ petitioners felt aggrieved with the arbitral award as passed under Section 3G (5) of the said Act of 1956 there remedy lies under the said Act of 1996.
13. With the aforementioned observation, the instant writ petition being WPA 16429 of 2024 is dismissed.
14. There shall be, however, no order as to costs.

15. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)