

Item No.17
25.07.2025
Court. No. 19
GB

W.P.A. 19894 of 2024

Gopal Lodha & Ors.
Vs.
Union of India & Ors.

Mr. Amit Ranjan Pati,
Mr. Sunayan Ghosh,
Ms. Swastika Chowdhury,
Ms. K. Kubra

...for the Petitioners.

Mr. Deepnath Roy Chowdhury,
Ms. Parna Roy Choudhury

...for the State.

Mr. Rajen Dutta,
Mr. Amal Kumar Datta

...for the U.O.I.

1. The subject matter of challenge in the instant writ petition is the memo dated 31.12.2021 whereby and whereunder the respondent no.11 authority being the competent authority under Section 3(a) of the National Highways Act, 1956 (hereinafter referred to as the ‘said Act of 1956’) determined the amount of compensation payable to the writ petitioner under Section 3G of the said Act of 1956. The writ petitioners felt aggrieved with the quantum of such compensation and thus, preferred the instant writ petition.
2. For proper adjudication of the instant lis, this Court at the very outset proposes to look to the provisions of Section 3G of the said Act of 1956 which reads as under:-

**“3G. Determination of amount payable
as compensation.-**

- (1)
(2)

(3)

(4) *Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in sub-section (2) of Section 3C, before the competent authority, at a time and place and to state the nature of their respective interest in such land.*

(5) *If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.*

(6) *Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.*

(7)”

3. On careful consideration of the aforementioned legislative provision it reveals to this Court that it is the clear legislative mandate that in the event if a person is aggrieved with the quantum of compensation as determined by the CALA under Section 3G(4) of the said Act of 1956, the remedy lies to the said person to make an application with the arbitrator to be appointed by the Central Government.
4. Mr. Pati, learned advocate appearing on behalf of the writ petitioners submits before this Court that the writ petitioners though received the said compensation amount with objection, but as of now it is not known

to the writ petitioners as to who is the arbitrator as per Section 3G(5) of the said Act of 1956.

5. Learned advocate appearing on behalf of the NHAI authority submits before this Court that the Union of India is duty bound to appoint an arbitrator in terms of the provisions of Section 3G(5) of the said Act of 1956.
6. Mr. Dutta, learned advocate appearing on behalf of the Union of India submits before this Court that such arbitrator can be appointed on condition that the writ petitioners will return the compensation money.
7. On careful consideration of the entire materials as placed before this Court and after due consideration over the aforementioned legislative provisions, this Court finds no provision in the said Act of 1956 specifically in Section 3G that in order to approach to the arbitrator under Section 3G(5) of the said Act of 1956 an aggrieved awardee has to deposit the compensation money as has been determined under Section 3G(4) of the said Act of 1956.
8. Like the writ petitioners, this Court is equally in dark as to who will be the arbitrator under Section 3G(5) in connection with the matter in dispute.
9. Learned advocates for the contesting respondents in course of their arguments also could not apprise this Court in this regard.
10. In view of such, while disposing the instant writ petition this Court directs the respondent no.2

authority as well as the respondent no.5 authority to intimate the name and details of the arbitrator before whom the writ petitioners have to approach for ventilating their grievance under Section 3G(5) of the said Act of 1956 challenging the quantum of award as has been determined vide memo dated 31.12.2021.

11. The entire exercise as indicated in the foregoing paragraph is to be completed within 30 working days from the date of communication of the server copy of this order by the respondent no.2 and the respondent no.5.
12. Liberty is given to the learned advocate on record for the writ petitioners to communicate the server copies of this order to the respondent no.2 and the respondent no.5 authorities.
13. The respondent nos.2 and 5 authorities are directed to act on the basis of the server copy of this order.
14. Before parting with it is, however made clear that since as on this day the writ petitioners as well as this Court cannot be apprised as to who is the arbitrator under Section 3G(5) of the said Act of 1956, the appointed arbitrator shall condone the delay, if there be any in making the application under Section 3G(5) by the writ petitioners, in the event such application is filed within 45 working days from the date of communication of the name and details of the arbitrator either by the respondent no.2 authority or

by the respondent no.5 authority in writing to the writ petitioner.

15. With the aforementioned observation WPA 19894 of 2024 is disposed of.

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

(Partha Sarathi Sen, J.)