

S/L 54
22.07.2025
Court. No. 19
Sourav

**WPA 19209 of 2024
With
CAN 1 of 2025**

**Anaysha Bhuwalka Infra Projects Pvt. Ltd.
Vs.
The National Highways Authority of India & Ors.**

*Mr. Arindam Das
Mr. Snehasish Ghosh*

...for the petitioner.

*Ms. Manika Roy
Ms. Ankita Chowdhury
Mr. Atanu Sur*

...for NHAI.

In Re: CAN 1 of 2025

1. This is an application for recalling the order of dismissal dated 17.01.2025.
2. On perusal of the petition under consideration and after hearing the learned advocates for the contending parties, this Court is satisfied that the writ petitioner has assigned sufficient reason for his non-appearance on 17.01.2025 when WPA 19209 of 2024 was called for hearing.
3. Accordingly, prayer is allowed.
4. Consequently, the order dated 17.01.2025 as passed in WPA 19209 of 2024 is hereby recalled.
5. Consequently, WPA 19209 of 2024 is restored to its original file and number.
6. With the aforementioned observation, **CAN 1 of 2025** is disposed of.

In Re: WPA 19209 of 2024

1. On consent of both the parties, the instant writ petition is taken up for hearing.

2. By filing the instant writ petition, the writ petitioner has prayer for issuance of appropriate writ/writs against the respondent no. 5/authority who is the arbitrator under the National Highways Act, 1956 (hereinafter referred to as 'the said Act of 1956' for short) commanding him to act in terms of Section 3G(5) of the said Act of 1956.
3. At the time of hearing, learned advocate for the writ petitioner at the very outset draws attention of this Court to Page Nos. 83 to 94 of the instant writ petition, being a copy of the letter dated 24.04.2024 as written by the Director of the writ petitioner/company addressed to the respondent no. 5/authority to conduct arbitration in accordance with the provision of Section 3G(5) of the said Act of 1956.
4. It is submitted by the learned advocate for the writ petitioner that since the writ petitioner/company was not satisfied with the quantum of compensation as has been determined by the CALA i.e., the respondent no. 6/authority, the writ petitioner has invoked the provision of Section 3G(5) of the said Act of 1956 and the respondent no. 5/authority being the arbitrator is duty bound to proceed with the arbitration for determination of the dispute.
5. It is further submitted that despite receipt of such letter dated 24.04.2024, the respondent no. 5/authority had taken no steps to initiate a proceeding under Section 3G(5) of the said Act of 1956.
6. Ms. Roy, learned advocate appearing on behalf of the NHAI authority though disputed such contention of the

learned advocate for the writ petitioner, however, it is submitted by her that the respondent no. 5/authority being an arbitrator is duty bound to proceed with the arbitration under the aforementioned provision.

7. In view of such, this Court while disposing the instant writ petition directs the respondent no. 5/authority to proceed in terms of the provision of Section 3G(5) of the said Act of 1956 on the basis of reference made to him by the writ petitioner under cover of its letter dated 24.04.2024 and to come to a logical conclusion of the same positively within 180 working days from the date of communication of the server copy of this order that is to say that the arbitration proceeding shall have to be completed by the respondent no. 5/authority within 180 working days from the date of communication of this order.
8. The time limit as fixed by this Court is mandatory and peremptory.
9. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copy of this order to the respondent no. 5/authority.
10. The respondent no. 5/authority is directed to act on the server copy of this order.
11. Before parting with, it is, however, made clear that while disposing the instant writ petition, this Court has not gone into the merit of the arbitration proceeding as would be initiated by the respondent no. 5/authority.

12. It is further made clear that since no affidavits have been called for, the allegations made in the instant writ petition are deemed to have been denied.
13. With the aforementioned observations, the instant writ petition being **WPA 19209 of 2024** is disposed of.
14. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)