

21.11.2025
Item No.16
with 17
Court No.1
CHC

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

FMAT (ARBAWARD)/3/2025
IA NO: CAN/1/2025

Terai Tea Company Limited
Vs.
The Project Director, Asian Highway 02 & Anr.

with

FMAT (ARBAWARD)/2/2025
IA NO: CAN/1/2025

Terai Tea Company Limited
Vs.
The Project Director, Asian Highway 02 & Anr.

Mr. Bikramaditya Ghosh, Advocate
Mr. Sitesh Kumar Gupta, Advocate
...for the appellant

Mr. Supriya Singh, Advocate
...for the respondent no.1

Mr. Nabankur Paul, Advocate
...for the State

1. Two appeals are taken up for consideration as they relate to the same impugned judgment and order passed under Section 34 of the Arbitration and Conciliation Act, 1996, setting aside the award and remanding the disputes for decision to the Arbitrator.
2. Arbitration proceeding emanate out of an acquisition proceeding initiated under the

National Highways Act, 1956. Statutory arbitration resulted in the publication of an award. Being aggrieved, both the acquiring authorities as also the land loser, filed an application under Section 34 of the Arbitration and Conciliation Act, 1996 which was allowed by the impugned order.

3. It is contended on behalf of the land loser appellant that, the findings returned as appearing in the impugned judgment and order should not bind the appellant in the fresh adjudication.
4. Since, the award stands set aside, and since, we do not find any ground to interfere with the impugned judgment and order, and since an apprehension is expressed as noted in the previous paragraph we dispose the instant appeal by observing that, the findings recorded in the impugned judgment and order will be treated to be for the purpose of deciding an application under Section 34 of the Arbitration and Conciliation Act, 1996.
5. Since, disputes stand referred to the Arbitrator, in terms of the Act of 1956, such Arbitrator is at liberty to decide the issues, without being influenced by any of the observations made either by the Court exercising decision under Section 34 of the Arbitration and Conciliation Act, 1996 or by us.

6. FMAT (ARBAWARD)/3/2025 and FMAT (ARBAWARD)/2/2025 along with the connected applications are disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)