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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **ARB.P. 1855/2024 & I.A. 46013/2024**

ANITA CHANDRA PRAKASH PATHAKPetitioner

Through: **Mr. Pawan Prakash Pathak and Ms. Richa Sandilya, Advocates.**

versus

UNION OF INDIA AND ORSRespondents

Through: **Mr. Piyush Gupta, CGSC with Mr. Samsul Alam, Mr. Atishay Jain, Mr. Inder Mohan Chitkara, Mr. Hemant Soin, Mr. Ashish Rajput and Mr. Karan Bansal, Advocates.**
Mr. Ankur Mittal and Mr. Ankur Saboo, Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **25.04.2025**

1. This petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('A&C Act') seeking appointment of a Sole Arbitrator to adjudicate the disputes that have arisen between the parties, arising out of the acquisition of the Petitioner's land by the National Highway Authority of India ('NHAI') in the year 2020, pursuant to Notification dated 05.12.2017.

2. It is stated that the disputes pertain to the compensation awarded for the acquired land. The arbitration clause applicable to the dispute is contained under Section 3G(5) of the National Highways Act, 1956, which reads as under:



“If the amount determined by the competent authority under sub-section (1) or sub-section (2) of Section 3G 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. Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 shall apply to every arbitration under this Act.”

3. Learned counsel for the Petitioner states that the Arbitral Tribunal has to be constituted by this Court as per Section 3G (5) of the National Highway Act, 1956.

Arguments of the Respondent

4. Learned counsel appearing for Respondent no. 2/NHAI, has opposed the maintainability of the present petition. He states that an Arbitrator has already been appointed by the Central Government in accordance with Section 3G(5) of the National Highways Act, 1956. He states that vide Gazette Notification No. S.O. 1165(E) dated 24.02.2022, the Collector/Additional Collector, Ahmednagar, has been appointed as the Arbitrator to adjudicate disputes arising under the said notification.

4.1. He relies upon the averments made in the short affidavit filed on record and places reliance on the judgments of the Supreme Court in **National Highways Authority of India v. Sayedabad Tea Company Limited & Ors.¹**, and **National Highways and Infrastructure Development Corporation Limited v. Prakash Chand Pradhan & Ors.²**, to contend that the petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 is not maintainable.

5. Learned counsel for Respondent no. 1 adopts the submissions of the

¹ (2020) 15 SCC 161



learned counsel for Respondent no. 2.

6. Learned counsel for the Petitioner states that in view of the judgments of the Supreme Court and the reply filed by Respondent No. 2, the Petitioner seeks leave to approach the Collector and Additional Collector, Ahmednagar, who has been appointed as an Arbitrator vide Gazette notification dated 24.04.2022. He, however, orally prays that the time spent in pursuing these proceedings may be excluded for the purpose of limitation.

Decision

7. This Court has considered the submissions of the parties.

8. The petition is disposed of reserving liberty to the Petitioner to approach the Arbitrator appointed by the Central Government within a period of four (4) weeks.

9. It is further directed that in case, the Petitioner approaches the Arbitrator within four (4) weeks, the time spent by the Petitioner in pursuing Section 11 proceedings will be excluded from limitation as per Section 14 of the Limitation Act, 1963.

10. The Registry is directed not to list this matter any further.

11. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

APRIL 25, 2025/mr/akp

[Click here to check corrigendum, if any](#)

² (2020) 15 SCC 533