

Court No. 19
(265719)

25.02.2026

(AD 4)

(S. Banerjee)

WPA 2513 of 2026

Motin Sk. & Ors.

Vs.

Union of India & Ors.

Md. Yusuf Ali
Mr. Tapas Kumar Manna
Ms. Anindita Mojumder

...for the petitioners

Petitioners have prayed for a direction upon the respondents for holding a fresh arbitration and to pass a reasoned order keeping in view the award passed by the learned District Magistrate. The award passed by the District Magistrate and Collector as an arbitrator under Section 3G(5) of the National Highway Act, 1956 dated October 10, 2017, was challenged in Miscellaneous Arbitration Case No. 8 of 2018 under Section 34 of the Arbitration and Conciliation Act, 1996 at the instance of the National Highway Authority of India.

It appears from the order dated February 7, 2022 passed in Miscellaneous Arbitration Case No. 8 of 2018 heard analogously with Arbitration Case No. 6 of 2018 and 7 of 2018 that the NHAI was directed to present the arbitration application before the statutory arbitrator, i.e., the Divisional

Commissioner, Malda Division within the time limit mentioned therein. Thereafter the NHAI approached the Divisional Commissioner and the Divisional Commissioner, Malda, acting as an arbitrator under Section 3G(5) of the National Highway Act, 1956 passed an order dated March 29, 2022 with certain directions.

Section 3G (6) of the 1956 Act mandates that the provisions of the Arbitration and Conciliation Act, 1996 shall apply to every arbitration under the 1956 Act.

If the petitioners are aggrieved by the award dated March 29, 2022 passed by the Arbitration under Section 3G(5) of the 1956 Act, the remedy lies under the 1996 Act.

For such reason this Court is not inclined to grant any relief in this writ petition.

Accordingly, this writ petition stands disposed of with the aforesaid observations.

(Hiranmay Bhattacharyya, J.)