

In The High Court at Calcutta
Circuit Bench at Jalpaiguri

Judgment (2)
Moumita
JPD List Item No. 33

Constitutional Writ Jurisdiction
Appellate Side

Present :
The Hon'ble Justice Aniruddha Roy

WPA 440 OF 2026

Toorsa Cold Storage Private Limited & Anr.
Vs.
The Union of India & Ors.

For the Petitioners	:	Mr. Sashwat Nayak, Adv. Ms. Rishita Chakraborty, Adv.
For the Respondent No.1	:	Mr. Ajoy Kumar Singhania, Adv.
For the Respondent No.4/N.H.A.I. :		Ms. Supriya Singh, Adv. Ms. Susmita Ghosh.
Heard on	:	13.05.2026
Judgment on	:	13.05.2026
[In Court]		

Aniruddha Roy, J. :

1. Mr. Sashwat Nayak, learned Advocate (VC) appears for the writ petitioner with Ms. Rishita Chakraborty, learned Advocate.
2. Ms. Supriya Singh, learned Advocate appears for the respondent no.4.
3. Mr. Ajoy Kumar Singhania, learned Advocate appears for the respondent no.1.
4. None appears for the respondent nos. 2 and 3.

5. In effect, the petitioner is aggrieved with the determination of compensation with regard to the land of the petitioner having been acquired for the purpose of construction of National Highway. The petitioner no. 1 is the land loser.
6. The issue had travelled extensively before the co-ordinate Bench in a previous writ petition, which has been disposed of by an order dated **November 27, 2025 at page 106** to the writ petition where the right of the petitioner was kept open to seek further arbitration for additional enhancement of compensation under **Section 3-G(5) of the National Highways Act, 1956**.
7. Pursuant to the said liberty, the petitioner submitted its representation dated **January 2, 2006 annexure-p 15 at page 60** to the writ petition. By a communication dated **January 9, 2026 at page 138** to the writ petition, the respondent no. 2 informed the petitioner that, it remains open to the petitioner to seek further arbitration for additional enhancement under **Section 3-G(5) of the National Highways Act, 1956** but arbitrator has not been appointed.
8. Aggrieved thereby, the petitioner has filed the instant writ petition.
9. After considering the submission made on behalf of the parties and on perusal of the materials on record it appears to this Court that, pursuant to the liberty granted by the co-ordinate Bench, the respondent no. 2 ought to have referred the matter before the jurisdictional arbitrator.

10. Ms. Supriya Singh, learned Advocate appearing for the NHAI authority submits that, the jurisdictional arbitrator had already been appointed before whom the case of the petitioner can be placed for arbitration in accordance with law.
11. In view of the above, this Court is of the view that, this writ petition can be disposed of by giving a simple direction on the respondent no. 2, for which its representation may not be necessary.
12. Accordingly, the respondent no. 2 is directed to refer the matter/claim of the petitioner before the jurisdictional arbitrator in accordance with law but positively within **two months** from the date of communication of this order and the jurisdictional arbitrator then shall proceed expeditiously in accordance with law and make its award.
13. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.
14. With the above observations and directions, this writ petition, **WPA 440 of 2026** stands **disposed of**, without any order as to costs.
15. Parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)