

01.07.2026
Sl. 1
Subadip
Ct.No.-4

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CO 91 of 2026

**SUBHASH DEY
VS
THE CHAIRMAN, NATIONAL HIGHWAYS
AUTHORITY OF INDIA AND ORS.**

Ms. Sumau Sehanabis,
Mr. Tathagata Biswas.

...for the petitioner

1. This is an application filed under Article 227 of the Constitution of India praying for expeditious disposal of Misc. Case No. 06/2023 (02/2023) (Arb.) now pending in the Court of the learned District Judge at Jalpaiguri.

2. The learned counsel appearing on behalf of the petitioner submits that an arbitration proceeding was started amongst the parties, when the petitioner dissatisfied with the compensation amount in a Land Acquisition case.

3. The learned Arbitrator has decided the case without granting payment of solatium and interest of the compensation amount to be payable by the authority.

4. Being aggrieved by and dissatisfied with the said award, an application under Section 34 of the Arbitration and Conciliation Act has been filed before the learned District Judge, Jalpaiguri, being Misc. Case No. 06/2023 (02/2023) (Arb.) on 27th January, 2023.

5. The said case has not yet been disposed of despite direction passed by the Coordinate Bench in earlier proceeding being C.O. No. 122 of 2024. The relevant portion of the said order is quoted hereinbelow, *inter alia*:-

“This revisional application has been filed with a prayer for expeditious hearing of the Misc. Case No.06/2023 pending before the Court of learned District Judge, Jalpaiguri.

Learned advocate on behalf of the petitioner submitted that the Misc. Case No.06 of 2023 was heard on 11th June, 2024, but till date, no order has been passed by the learned District Judge.

Learned advocate on behalf of the opposite party also concedes the

submission advanced on behalf of the petitioner.

In the aforesaid view of the matter, learned District Judge, Jalpaiguri is requested to pass the order in respect of Misc. Case No. 06/2023 within seven days from the date of communication of this order.

With the aforesaid observation, revisional application being C.O. 122 of 2024 stands disposed of.”

6. It appears from the record that the next date is fixed on 4th July, 2026 for hearing. In the present case, the petitioner further prays for expeditious disposal of the said case.

7. The Trial Court should have disposed of the case in pursuance of the direction passed by the Co-ordinate Bench of this Hon’ble High Court. Be that as it may, the prayer for expeditious disposal of the Misc. Case is genuine and innocuous and the same would not prejudice to opposite parties. Accordingly, service of notice is not required in this case as such service of notice upon the opposite parties is hereby dispensed with.

8. In view of the above facts and circumstances, this Court again requested the District Judge, Jalpaiguri to take all endeavour to dispose of the Misc. Case as expeditiously as possible without granting adjournment to the parties. This court expects that the District Judge, Jalpaiguri will take all endeavours to take to its logical conclusion without any further delay.

9. With the above observation, the revisional application being **C.O. 91 of 2026** is disposed of.

10. The petitioner is directed to communicate this order to the Learned District Judge, Jalpaiguri as well as opposite parties for information.

11. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajay Kumar Gupta, J.)