

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

AP/74/2024

PRABIN KUMAR AGARWAL
VS
UNION OF INDIA AND ORS

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH
Date : 9th June, 2026.

Appearance
Mr. Arindam Das, Adv.
Mr. Parashar Baidya, Adv.
...for the petitioner

The Court: The petitioner has preferred the present petition under Section 34 of the Arbitration and Conciliation Act, 1996, challenging the arbitral award dated 03.11.2023 passed by the learned sole Arbitrator, being the learned Commissioner, Medinipur Division, exercising jurisdiction under Section 3G(5) of the National Highways Act, 1956, in Appeal Case No. 06(1) of 2023, arising out of L.A. Case No. 2280(1)/L.A./20 of 2015/NH-32 dated 07.11.2022.

Learned counsel for the petitioner assails the impugned award on two principal grounds. First, it is contended that the learned Arbitrator denied the petitioner sufficient opportunity of hearing by declining his prayer for adjournment, notwithstanding the petitioner's representation that he was unavailable on account of being on vacation, and proceeded to pass the award ex-parte. Second, it is contended that the award is vitiated by non-compliance with the mandatory procedural requirement prescribed under Section 3G(7) of the National Highways Act, 1956.

On the merits, learned counsel submits that the compensation awarded to the petitioner is grossly inadequate and falls far short of the prevailing market value of the acquired land, and that the respondents failed to assess and disburse compensation in consonance with the true market value of the land in question.

This Court has carefully considered the submissions advanced by learned counsel for the petitioner and has perused the materials placed on record.

A perusal of the impugned award reveals that the Land and Land Reforms Department, Government of West Bengal, determined compensation on the basis of the IGR report on the market value of the concerned mouza, assessed in accordance with the relevant Government Orders, namely G.O. No. 1705-LA-3M-07/06 dated 06.06.2006, G.O. No. 16-SS(S)-LA/3M-43/200 (Pt. III) dated 21.07.2025, and G.O. No. 1153-LA/3M-49/14 dated 20.04.2015. Compensation for the acquisition of the petitioner's land was accordingly determined and disbursed.

It is further noted that the petitioner was granted interest of Rs. 5,66,872.97/- at the rate of 12% per annum for the period commencing from the date of notification, i.e., 15.08.2015, to the date of the award, i.e., 22.09.2021, in terms of Section 30(3) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Further, solatium equivalent to 100% of the compensation amount, aggregating to Rs. 8,54,192.15/-, was included in the award in terms of Section 30(1) of the said Act, and the petitioner has admittedly received the same.

As regards the petitioner's claim of having been rendered homeless, the records do not bear out such assertion. It is evident from the record that the petitioner had purchased 30 decimals of land in Plot No. 3352, of which only 24.4 decimals were subject to acquisition, leaving the petitioner in possession of the remaining 5.6 decimals within the same plot.

With respect to the adequacy of compensation, the learned Arbitrator duly considered and addressed the petitioner's grievance. It is noted that while the petitioner persistently asserted that the compensation awarded was below market value, he failed to furnish any concrete parameter, data, or material in support of such assertion. The respondent CALA, on the other hand, explained in detail that the valuation was conducted in strict conformity with the prevailing Government guidelines, following due procedure, and based on registered sale data.

On the question of adjournment, the learned Arbitrator recorded that the petitioner had been afforded adequate and repeated opportunities of hearing, that both oral and written submissions had been placed on record on behalf of the petitioner, and that the learned Arbitrator was obligated to adhere to the time frame prescribed by this Court in WPA No. 10608 of 2023. In these circumstances, the prayer for further adjournment was rightly declined.

This Court finds no infirmity, illegality, or perversity in the impugned award passed by the learned sole Arbitrator. No material has been placed before this Court to demonstrate any error apparent on the face of the record, nor any ground warranting interference under Section 34 of the Arbitration and Conciliation Act, 1996. The valuation was carried out in accordance with the applicable Government guidelines and prevailing

market value, and the petitioner has failed to substantiate his claim for enhanced compensation with any cogent basis or supporting material.

Accordingly, the present petition is dismissed.

(GAURANG KANTH, J.)