IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Arbitration Case No. 54 of 2026

Date of decision : 27.04.2026.

Simro Devi

...Petitioner.

Versus

Union of India & Ors. ... Respondents.

Coram:

The Hon'ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?[1]

For the Petitioner: Ms. Anchal Sharma Advocate.

For the Respondents: Mr.Bharat Bhushan, Senior Panel Counsel, for respondent No.1.

Mr.Vikrant Thakur, Advocate, for respondents No.2

Mr. Diwakar Dev Sharma, Additional Advocate General, for respondents No.3 & 4.

Romesh Verma, Judge (oral)

Notice.

2. Mr. Bharat Bhushan, Senior Panel Counsel, Mr. Vikrant Thakur, Advocate and Mr. Diwakar Dev Sharma, learned Additional Advocate General appear and waive service of notice on behalf of the respective respondents.

3. The present petition under Section 29 A (4) of the Arbitration and Conciliation Act, 1996 has been filed by the

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[1] ***Whether reporters of Local Papers may be allowed to see the judgment?***

petitioner seeking extension of time for completion of the arbitration proceedings in Arbitration Reference Case No. 137/2023, titled as Simro Devi vs. LAC-cum- SDO(C) Hamirpur pending before the Divisional Commissioner-cum-Arbitrator at Mandi H.P., exercising the powers of Arbitrator under Section 3 of the National Highways Act, 1956.

4. The arbitral dispute has arisen out of the land acquired in District Hamirpur H.P. for the purpose of construction of the National Highway, land for which has been acquired under the provisions of National Highways Act, 1956.

5 Feeling aggrieved by the award passed by the competent authority, the landowner has preferred Arbitration Reference Case No.137/2023, before the Arbitrator cum-Divisional Commissioner, at Mandi and non adjudication of the arbitral proceedings within the statutory period has resulted in filing of the instant petition.

6 The Reference Petition against the Award was filed by the land owner in the year 2023. According to the petitioner, on account of unforeseen circumstances in the case, which resulted in unnecessary delay in the announcement of the award by the learned Arbitrator, i.e. the Divisional Commissioner, Mandi District Mandi,HP.

7 This Court has gone through the material available on record carefully and finds that the proceedings have been conducted by the Arbitrator in violation of statutory provisions, as contained in the Arbitration and Conciliation Act, 1996. This Court is of the view that when a statute envisages an authority, be it an Arbitrator, to do a particular act in a particular manner and in a prescribed time schedule, then the onus is upon the said authority/Arbitrator to perform the task entrusted to it within the time schedule prescribed in the statute. The delay, if any, has to be bonafide and explainable. However, in the present petition even after completion of the pleadings, the Arbitrator has closed the proceedings since the time limit for arbitral proceedings to pass an award had elapsed.

8 In view of aforesaid discussions and taking into consideration the attending facts and circumstance of the instant case, the Arbitrator-cum-Divisional Commissioner, Mandi, H.P., exercising the powers of Arbitrator under Section 3 of the National Highways Act, 1956 is directed to conclude the arbitral proceedings and to pass the arbitral award in Arbitration Reference Case No.137/2023, on or before 27th **October, 2026.**

The petition stands disposed of in the aforesaid terms.

(Romesh Verma)
Judge

April 27th, 2026
(Veena)