NHAI vs. Nand Prakash & others

OMP(M) No. 415 of 2026

30.10.2026 **Present:** Ms. Sneh Bhimta, Advocate, vice counsel, for the applicant.

Mr. Saurav Thakur, Advocate vice Mr. Yuyutsu Singh Thakur, Advocate, for respondent No.2.

OMP(M) No. 415 of 2026

As per the report of the Registry, respondents No. 1 to 3 stand duly served. However, none has appeared on behalf of respondents No. 1 and 3, hence, respondents No. 1 and 3 are proceeded against *ex parte*.

The instant application has been filed for condonation of delay in filing the present appeal.

It has been stated in the application that the impugned judgment was passed by the learned District Judge on 02.12.2024. The counsel for the applicant applied for certified copies on 11.03.2025, the same was attested on 21.03.2025, and was delivered on 07.05.2025. However, the disposal of the case was not within the knowledge of the applicant, as the same was never intimated to them by their counsel. Earlier also, due to the inefficiency and the lackadaisical attitude of the law firm, cases were withdrawn from the law firm, namely, M/s M.V. Kini & Company, vide letters dated 20.09.2023 and 26.03.2024.

On the closing of the financial year, the applicant inquired from the law firm about the pendency of the cases. It is

only then that it came to the notice that the objection petitions pertaining to Mohal Upperli Bhated have been disposed of. Immediately, thereafter, steps were taken for the collection of the record and preparation of the instant appeal. The delay in filing the appeal is neither intentional nor deliberate, however, the same had occurred due to unavoidable circumstances.

Consequently, in view of the averments as made in the application, which is duly supported by an affidavit, and keeping in view the submission as made by learned counsel for the applicant, the present application is allowed, the delay in filing the appeal is condoned.

The application stands disposed of.

Arb. Appeal No.____/2026
(ARBAST No. 31947/2026)

Appeal be registered.

Heard.

Admit.

List for hearing in due course.

In the meantime, record be requisitioned.

Issue post-admission notice to respondents No. 1 and 3, returnable within four weeks, on taking steps within three days.

- **OMP No. _____ of 2026 (OMPST No. 32236/2026)**

Be registered.

Heard.

Subject to deposit of entire awarded amount alongwith up-to-date interest by the applicant/appellant, execution,

implementation and operation of impugned award dated 05.04.2023, passed by learned Arbitrator and judgment dated 02.12.2024, passed by learned District Judge, Mandi, H.P. in CIS Registration No. 635 of 2024, shall remain stayed during the pendency of appeal. Needful be done within eight weeks from today.

Application stands disposed of.

(Romesh Verma)
Judge

October 30, 2026 *(*Nisha)