2026:HHC:50132

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

Arb. Case No. 255/2026

Decided on: 19.11.2026

Rakesh Kumar .....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. Sumeet Raj Sharma, Sr. Advocate with Mr. Santosh Kumar, Advocate, for respondent No.2.

Mr. Diwakar Dev Sharma, Addl. A.G. for respondent Nos. 3 and 4.

Romesh Verma, Judge (oral)

The present petition under Section 29-A (4) of the Arbitration and Conciliation Act, 1996 has been filed by the petitioner seeking extension of time for completion of the arbitration proceedings in ***Reference Petition No. 386/2023, titled as Rakesh Kumar vs. Union of India & ors.,*** pending before the Divisional Commissioner, Kangra, exercising the

---

[1]Whether reporters of the local papers may be allowed to see the judgment? Yes.

powers of Arbitrator under Section 3 of the National Highways Act, 1956.

2 The arbitral dispute has arisen out of the land acquired in District Kangra, 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.

3 Feeling aggrieved by the award passed by the competent authority, the landowner has preferred Arbitration Reference Petition No. 386/2023, before the Arbitrator-cum-Divisional Commissioner, Kangra, H.P., and non adjudication of the arbitral proceedings within the statutory period has resulted in filing of the instant petition.

4 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 Arbitrator.

5 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 learned Arbitrator has closed the proceedings since the time limit for arbitral proceedings to pass an award had elapsed.

6 In view of aforesaid discussion and taking into consideration the attending facts and circumstance of the instant case, the Arbitrator-cum-Divisional Commissioner, Kangra, 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 ***Reference Petition No. 386/2023, titled as Rakesh Kumar vs. Union of India & ors.***, on or before **19.05.2027**.

7 The petition stands disposed of in the aforesaid terms.

(Romesh Verma)
Judge

19.11.2026
(pankaj)