2026:HHC:50131

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

Arb. Case No. 262/2026
Decided on: 19.11.2026

Brij Lal & ors. .....Petitioners

Versus

Project Director,
National Highway Authority of India & anr. ....Respondents

Coram:

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

Whether approved for reporting?[1]

For the Petitioners: Mr. Raman Sharma, Advocate.

For the Respondents: Mr. Vaibhav Kanwar, Advocate, for respondent No.1.

Mr. Diwakar Dev Sharma, Addl. A.G. for respondent No.2.

Romesh Verma, Judge (oral)

The present petition under Section 29-A (4) of the Arbitration and Conciliation Act, 1996 has been filed by the petitioners seeking extension of time for completion of the arbitration proceedings in ***Arbitration Case No. NH-70 (05/24), titled as Brij Lal vs. LAC (S.D.M.), Bhoranj, Hamirpur,*** pending before the Divisional Commissioner,

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

Mandi, exercising the 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 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.

3 Feeling aggrieved by the award passed by the competent authority, the landowners have preferred Arbitration Case No. NH-70(05/24), before the Arbitrator-cum-Divisional Commissioner, Mandi, 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 landowners in the year 2024. According to the petitioners, 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 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, 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 Case No. NH-70 (05/24), titled as Brij Lal vs. LAC (S.D.M.), Bhoranj, Hamirpur***, on or before **19.05.2027**.

7 The petition stands disposed of in the aforesaid terms.

(Romesh Verma)
Judge

19.11.2026
(pankaj)