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(2023) 11 SHI CK 0049

High Court Of Himachal Pradesh

Case No: Arbitration Case No.887 Of 2023

Surinder Kumar Vij		APPELLANT
	Vs	
Nhai & Ors		RESPONDENT

Date of Decision: Nov. 17, 2023

Acts Referred:

- National Highways Act, 1956 - Section 3

Hon'ble Judges: Sushil Kukreja, J

Bench: Single Bench

Advocate: Abhishek Banta, K.D. Shreedhar, Shreya Chauhan, Sneh Bhimta, V.B. Verma, Anup Rattan, B.N. Sharma

Final Decision: Disposed Of

Judgement

Sushil Kukreja, J

1. Notice. Ms. Shreya Chauhan, Advocate, Mr. V.B. Verma, learned Central Government Standing Counsel and Mr. B.N. Sharma, learned Additional Advocate General, appear and waive service of notice on behalf of respondents No. 1 to 3, respectively.

2. No reply to the petition is intended to be filed on behalf of the respondents.

3. In the instant petition, a prayer has been made by the petitioner to extend the time for completion of the arbitral proceedings pending before the Divisional Commissioner, Shimla, District Shimla, exercising the powers of Arbitrator under Section 3 of the National Highways Act, 1956.

4. Learned counsel for the parties have submitted that the issue in question is squarely covered by the judgment rendered by a coordinate Bench of this Court in Arbitration Case No. 126 of 2022 alongwith connected therewith matters, titled Sh. Ram Chand Vs. Land Acquisition Officer & Another and the instant petition may be disposed of by directing the learned Arbitrator to conclude the arbitral proceedings in terms of the said judgment.

5. Accordingly, in view of the aforesaid decision rendered by this Court, the instant petition is allowed and the Divisional Commissioner, Shimla, District Shimla, exercising the powers of Arbitrator under Section 3 of the National Highways Act, 1956 is directed to conclude the arbitral proceedings in Arbitration Case No. 342 of 2017, on or before 16.05.2024.

Petition stands disposed of, so also the pending miscellaneous applications, if any.