

(2013) 04 AP CK 0005

Andhra Pradesh High Court

Case No: Writ Petition No. 9526 of 2013

Vijaya Laxmi and Others

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision: April 22, 2013

Citation: (2013) 5 ALD 297 : (2013) 6 ALT 275

Hon'ble Judges: C.V. Nagarjuna Reddy, J

Bench: Single Bench

Advocate: Rajamalla Reddy, for the Appellant; A. Samir Kumar Reddy (Addl. SC for Central Government), Counsel for the Respondent No. 1, S.S. Varma (SC for National Highways Authority of India), Counsel for the Respondent No. 2 and Government Pleader for Land Acquisition, Counsel for the Respondent Nos. 3 and 4, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

C.V. Nagarjuna Reddy, J.

It is regrettable that the time limits set by this Court for disposal of disputes are ordinarily violated by the bureaucratic apparatus and this case is no exception for the same. While disposing of WP No. 24974 of 2011 on 29.11.2011, this Court has directed respondent No. 3 herein to finalize and dispose of the appeals/arbitration applications of the petitioners within a period of four months from the date of receipt of a copy of the order, irrespective of whether the awards are modified or not by the National Highways Authority of India. Even though more than one year had lapsed after the expiry of the time limit set by this Court, respondent No. 3 has failed to complete the proceedings.

2. When the petitioners filed the present writ petition, this Court has prima facie felt that respondent No. 3 failed to comply with the time limit set by this Court and has issued notice to show-cause why contempt proceedings shall not be initiated against him. Respondent No. 3 filed a counter-affidavit wherein he has sought to give justifications for non-disposal of the cases. He has however assured that the

case stands posted to 20.4.2013 and that hearing will be completed on that day.

3. At the hearing, it has come out that even on 20.4.2013, the case could not be taken up for hearing by respondent No. 3.

4. Be that as it may, when the Constitutional Courts set time limits, it is obligatory on the part of the functionaries concerned to adhere to the same or seek extension of time. As in many a case, in this case also, neither the time limit was adhered to nor a request for extension of time has been made. Since a writ petition has now been filed and this Court issued notice as referred above, respondent No. 3 evidently wants to hurriedly close the hearing.

5. Sri M. Rajamalla Reddy, learned Counsel for the petitioners, rightly pointed out that being the arbitrator, respondent No. 3 has to follow proper procedure and give reasonable opportunity to all the parties to put forth their cases for adducing relevant evidence and that the hearings cannot be completed in a haste as the time limit set by this Court has already been crossed.

6. While expressing dissatisfaction at the non-completion of the arbitration proceedings despite lapse of substantial time beyond the time limit set by this Court, a fresh time limit of three months is set for respondent No. 3 for completing the proceedings by scrupulously following the procedure stipulated under the Arbitration and Conciliation Act, 1996. Respondent No. 3 shall conduct regular hearings instead of closing the cases in a hurry by permitting the petitioners to adduce relevant evidence and pass appropriate awards within the above mentioned time limit it is made clear that if this order is not complied with, this Court will no longer show any leniency as has been done till now.

7. Subject to the above directions, the writ petition is disposed of. As a sequel, WPMP No. 11876/2013 is disposed of as infructuous.