IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

Arb. Case No. 136/2026

Decided on: 22.07.2026

Savitri Devi .....Petitioner

Versus

National Highway Authority of India & ors. ....Respondents

Coram:

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

Whether approved for reporting?[1]

For the Petitioner: Ms. Kusum Chaudhary, Advocate.

For the Respondents: Mr. Bhanwar Kumar, Advocate, for respondent No.1.
Mr. Manish Thakur, Dy. A.G. for respondent No.2.
Ms. Priyanka, Advocate, for respondents No. 3 to 7.

Romesh Verma, Judge (oral)

The present petition under Section 29 (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 Arbitration Reference Petition No. 72/2019, titled as Dyalo Devi vs. NHAI & ors. pending before the learned Divisional Commissioner Shimla, Camp at Solan,

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

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H.P., 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 Solan, 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. 72/2019, before the learned Arbitrator-cum-Divisional Commissioner, Shimla, Camp at Solan, H.P., and non adjudication of the arbitral proceedings within the statutory period has resulted in filing of the instant petition.

4. Mr. Bhanwar Kumar, learned counsel for respondent-NHAI has vehemently opposed the instant petition.

5 The Reference Petition against the Award was filed by the land owner in the year 2019. 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 learned Arbitrator, i.e. the Divisional Commissioner, Shimla, Camp at Solan, H.P.

6 This Court has gone through the material available on record carefully and finds that the proceedings have been conducted by the learned Arbitrator in violation of statutory

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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.

7 In view of aforesaid discussion and taking into consideration the attending facts and circumstance of the instant case, the Arbitrator-cum-Divisional Commissioner, Shimla, Camp at Solan, 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 Reference Case No.72/2019, on or before **22nd January, 2027**.

8 The petition stands disposed of in the aforesaid terms.

(Romesh Verma)
Judge

22.07.2026
(pankaj)

High Court of H.P.

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