IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Arbitration Case No. 145 of 2026
Date of decision : 27.07.2026.

Santosh Devi ...Petitioner.

Versus

Competent Authority Land Acquisition & others ...Respondents.

Coram:

The Hon'ble Mr. Justice Romesh Verma, Judge.
Whether approved for reporting?[1]

For the Petitioner: Mr. Vinod Thakur, Advocate.

For the Respondents: Mr. Manish Thakur, Deputy Advocate General, for respondents No. 1 and 4.

Mr. Abhinav Thakur, Advocate, vice Ms. Komal Preet Chauhan, Advocate, for respondent No.2.

Mr. Janak Raj, CGC, for respondent No.3.

Romesh Verma, Judge (oral)

Notice.

Mr. Manish Thakur, learned Deputy Advocate General, Mr. Abhinav Thakur, Advocate, vice Ms. Komal Preet Chauhan, Advocate and Mr. Janak Raj, Central Government Counsel, appear and waive service of notice on behalf of respondents No. 1, 2, 3 and 4, respectively.

2. 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

[1] ***Whether reporters of Local Papers may be allowed to see the judgment?***

High Court of H.P.

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Arbitration Reference Case No. 388 of 2022, titled as Santosh Devi vs. Union of India and others, pending before the Divisional Commissioner-cum- Arbitrator, Kangra at Dharamshala, District Kangra, H.P., exercising the powers of Arbitrator under Section 3 of the National Highways Act, 1956.

3. 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.

4 Feeling aggrieved by the award passed by the competent authority, the land owner has preferred Arbitration Reference Case No. 388 of 2022 before the Arbitrator cum-Divisional Commissioner at Kangra at Dharamshala and non adjudication of the arbitral proceedings within the statutory period has resulted in filing of the instant petition.

5 The Reference Petition against the Award was filed by the land owner in the year 2022. According to the petitioner, on account of unforeseen circumstances in the case, has resulted in unnecessary delay in the announcement of the award by the learned Arbitrator, i.e. the Divisional Commissioner, Kangra at Dharamshala, District Kangra, H.P.

6 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

High Court of H.P.

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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.

7 In view of aforesaid discussions and taking into consideration the attending facts and circumstance of the instant case, the Arbitrator-cum-Divisional Commissioner, Kangra at Dharamshala, District 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 Arbitration Reference Case No.388 of 2022, on or before **27th January, 2027.**

The petition stands disposed of in the aforesaid terms.

(Romesh Verma)
Judge

July 27, 2026
(Nisha)

High Court of H.P.

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