2026:HHC:33456

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

Arb. Case No. 153/2026

Decided on: 07.08.2026

Kamla Devi .....Petitioner

Versus

Special Land Acquisition Officer-cum-Competent Authority & anr. ....Respondents

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Coram:

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

Whether approved for reporting?[1]

For the Petitioner: Mr. Rajesh Prakash, Advocate.

For the Respondents: Mr. Baldev Singh Negi, Addl. A.G. for respondent No.1.
Mr. Chandresh Pal, Advocate, vice Mr. Bhanwar Kumar, Advocate, for respondent No.2.

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. 247/2019, titled as Kamla Devi vs. Special Land Acquisition Officer, pending before the learned Divisional Commissioner

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

High Court of H.P.

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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 Mandi, 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. 247/2019, before the learned 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. Mr. Chandersh Pal, learned vice 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, Mandi, 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, 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 Reference Case No.247/2019, on or before **07.02.2027**.

8 The petition stands disposed of in the aforesaid terms.

(Romesh Verma)
Judge

07.08.2026
(pankaj)

High Court of H.P.

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