IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Arb. Case No.198 of 2026.
Date of decision: 21.09.2026.

Sukh Dev (deceased) through LRs
Raj Kumari and Ors. .....Petitioners.

Versus

Land Acquisition Officer-cum-competent
Authority and another .....Respondents.

Coram

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

Whether approved for reporting?[1]

For the Petitioners : Mr.Munish Datwalia, Advocate.

For the Respondents : Mr. Manish Thakur, Deputy Advocate General, for respondent No.1.
Mr. Ashir Kaith, Advocate, for respondent No.2-NHAI.

Romesh Verma, Judge (Oral)

OMP No.1012 of 2026.

For the reasons stated in the application, the delay in re-filing the petition is condoned. The application stands disposed of.

Arb. Case No.198 of 2026.

The present petition under Section 29(4) of the Arbitration and Conciliation Act, 1996, has been filed by the

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

High Court of H.P.

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petitioners seeking extension of time for completion of the arbitration proceedings in Reference Petition No. 251 of 2023.

2. The arbitral dispute has arisen out of the land acquired in District Bilaspur, H.P. for the purpose of construction of the widening/fourlaning of Nerchowk to Mandi, land (building) for which has been acquired under the provisions of National Highways Act, 1956 and for which, compensation was awarded vide award dated 30.09.2013.

3. Feeling aggrieved by the award passed by the competent authority, the petitioners preferred Reference Petition No. 251 of 2013 before the Divisional Commissioner, Mandi Division at Mandi and non-adjudication of the arbitral proceedings within the statutory period has resulted in filing of the instant petition.

4. The Reference Petition against the award was filed by the landowners in the year 2013. According to the petitioners, on account of unforeseen circumstances in the case, which has resulted into unnecessary delay in the announcement of the award by the learned Arbitrator, i.e. Divisional Commissioner, Mandi, H.P.

5. 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 provisions, as contained in the Arbitration and Conciliation Act, 1996. This Court is

High Court of H.P.

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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.

6. In view of the averments as made in the petition, which are duly supported by an affidavit and in view of the submission made by learned counsel for the petitioners, the petition is allowed and time is extended for completing the arbitral proceedings for passing the award by the learned Arbitrator on or before **24.03.2027.**

7. The petition is disposed of. Pending application, if any, also stands disposed of.

(Romesh Verma)
Judge

21st September, 2026.
(**krt**)

High Court of H.P.

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