IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Arbitration Case No. 222 of 2026
Date of decision : 15.10.2026

Narinder Kumar & others ...Petitioners.

Versus

NHAI & others ...Respondents.

Coram:

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

For the Petitioners: Mr. Vyom Sharma, Advocate.

For the Respondents: Mr. Prashant Manhas, Advocate, vice Mr. Bhanwar Bhardwaj, Advocate, for respondent No.1.

Ms. Mansi Sharma, Advocate, vice Counsel, for respondent No.2.

Mr. Baldev Singh Negi, Additional Advocate General, for respondents No. 3 & 4.

Romesh Verma, Judge (oral)

The present petition under Section 29 (A) (4) & (5) of the Arbitration and Conciliation Act, 1996 has been filed by the petitioners seeking extension of time for completion of the arbitral proceedings in Arbitration Case No. 42 of 2019, titled as Narinder Kumar & others vs. NHAI & others, pending before the Divisional Commissioner-cum-Arbitrator, Shimla, District Shimla, H.P. exercising the powers of Arbitrator under Section 3G (5) of the National Highways Act, 1956.

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

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2. The arbitral dispute has arisen out of the land acquired in District Shimla, 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 land-owners have preferred Arbitration Reference Case No. 42 of 2019 before the Divisional Commissioner-cum-Arbitrator, Shimla, District Shimla, H.P. 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 land owners in the year 2019. According to the petitioners, 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-cum-Arbitrator, Shimla, District Shimla, H.P.

5. 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 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

High Court of H.P.

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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.

6. In view of aforesaid discussions and taking into consideration the attending facts and circumstances of the instant case, after accepting the present petition, the Divisional Commissioner-cum-Arbitrator, Shimla, District Shimla, 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 Case No.42 of 2019, on or before **15th April, 2027.**

The petition stands disposed of in the aforesaid terms.

(Romesh Verma)
Judge

October 15, 2026
(Nisha)

High Court of H.P.

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