

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. 724 of 2025

Date of decision : 03.06.2026.

Mohan Singh (deceased) through LRs. ...Petitioners.

Versus

NHAI & another ...Respondents.

Coram:

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

*Whether approved for reporting?*¹

For the petitioners : Kanwar Bhupinder Singh,
Advocate.

For the respondents : Mr. Karan Sharma, Advocate, for
respondent No.1.

Mr. Diwakar Dev Sharma, Addl.
A.G., for respondent No.2.

Romesh Verma, Judge (Oral):

The present petition under Article 227 of the Constitution of India has been filed by the petitioners seeking extension of time for completion of the arbitration proceedings in Arbitration Case No. 36 of 2017, titled as Salig Ram Shandil (deceased) through LRs & others vs. State of H.P. & others, pending before the Divisional Commissioner-cum-Arbitrator for National Highway Authority of India, H.P., exercising the

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

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 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 landowners have preferred Arbitration Case No. 36 of 2017, before the Arbitrator-cum-Divisional Commissioner, Shimla, 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 2017. According to the petitioners, on account of unforeseen circumstances in the case, which resulted in unnecessary delay in the announcement of the award by the Arbitrator, i.e. the Divisional Commissioner, 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 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 discussion and taking into consideration the attending facts and circumstance of the instant case, the Arbitrator-cum-Divisional Commissioner, 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. 36 of 2017, on or before 04.12.2026, 2026.

7. The petition stands disposed of in the aforesaid terms.

(Romesh Verma)
Judge

3rd June, 2026.
(kck)