

KAKL010001292025



Presented on : 18-01-2025

Registered on : 18-01-2025

Decided on : 10-08-2026

Duration: 1 year 6 months 24 days

**IN THE COURT OF PRINCIPAL DISTRICT AND
SESSIONS JUDGE AT KOLAR**

DATED THIS THE 10TH DAY OF AUGUST 2026

PRESENT

SHRI V.M. ANANDASHETTI

PRINCIPAL DISTRICT & SESSIONS JUDGE, KOLAR

A.P./6/2025

PETITIONER:

Narayanaswamy S/o. Narayanappa,
Aged about 60 years,
R/o. Maragal Village,
Kasaba Hobli, Bangarpet Taluk,
Kolar District.

(Rep. By **Sri.Prakash D.N.,**
Advocate)

VS

RESPONDENTS:

1. The Deputy Commissioner & Arbitrator,
Kolar Revenue District, Kolar.

2. The Special Land Acquisition Officer
and competent authority,
Bangarpet – Kolar – Bengaluru Section,
Palasandra Layout, t. 75 (old Ne
Kolar.

3. The General Manager
& Project Director NHAI,
PIU No.13, 14 km,
Bengaluru – Tumakur Road,
Nagasandra Village, Bengaluru – 73.

4. Deputy Commissioner (Technical Depart)
NHAI, PIU No.13, 14 km,
Bengaluru – Tumakur Road,
Nagasandra Village, Bengaluru – 73.

(R1 Reptd., by
District Government Pleader)
(R2 & 3 Reptd., by **Sri. Prakasha.V.Angadi**,
Advocate)

J U D G M E N T

This is an arbitration petition filed under Section 34(2) of the Arbitration and Conciliation Act, 1996 assailing the order of respondent No.1/arbitrator in Arbitration Proceeding No.ARB/BCE/BPT/20/2021-22, dated 15.10.2024. By the impugned order the respondent No.1/arbitrator has rejected the application of the land loser/claimant filed under Section 3G (5) of National High Ways Act, 1956 seeking re-determination of compensation for the land acquired, on the ground of it being barred by limitation.

2. The facts necessary for disposal of this petition are thus;

For construction of Bengaluru – Chennai express way an extent of 3677 square meters of land in Sy.No.54 belonging to the petitioner was acquired by the Central Government. The respondent No.2/competent authority passed an award determining the compensation. Finding the said compensation unacceptable the petitioner/land loser approached the respondent No.1/arbitrator through application under Section 3G (5) of NH

Act, 1956. The respondent No.1/arbitrator finding that the respondent No.2 had passed the award on 12.07.2017 and the application is filed by the petitioner on 09.04.2021 and since he should have filed the said application within 3 years from 12.07.2017, proceeded to hold that the application moved to him by the petitioner is barred by limitation and consequently dismissed it.

3. Heard.

4. The award is assailed on the ground of being in conflict with public policy of India and being vitiated by patent illegality appearing on the face of award.

5. The petitioner has filed I.A.No.I under Section 5 of Limitation Act seeking condonation of delay in filing the present petition.

6. Opposing the said application the learned DGP for respondent No.1 filed objections and prayed to reject the same.

7. The Article 137 of Schedule to Limitation Act, 1963 governing the limitation period for filing the application by the aggrieved party under Section 3G (5) of NH Act to the arbitrator is not disputed by either side.

8. The points arising for my consideration in this petition are;

1. Whether the arbitrator has properly computed the limitation period?

2. What order?

9. My finding to the aforesaid points is;

Point No.1 : In the negative.

Point No.2 : As per the final order for the following:

REASONS

10. **Point No.1:** The arbitrator has passed the award on 15.10.2024. The present petition is filed on 18.01.2025. The limitation is to be reckoned from the date of service of arbitral award on the petitioner. There is no material on record to show on which date it was served upon the petitioner. In any event the petition is within the outer limit of 3 months plus 30 days period provided under Section 34(3) of Arbitration and Conciliation Act. Hence, holding that the petition is within limitation, the I.A.No.I is accordingly disposed of.

11. It is undisputed that the respondent No.2 passed the award determining the compensation amount on 12.07.2017. The petitioner filed the application under Section 3G (5) of NH Act, 1956 before the respondent No.1/arbitrator on 09.04.2021. In the intervening period there was COVID-19 pandemic followed by lock down. Taking into account the pandemic the Hon'ble Apex Court in Suo Motu Writ Petition (C) No.3 of 2020 by an order dated 10.01.2022 for the purpose of computation of limitation directed exclusion of period from 15.03.2020 to 28.02.2022. It appears that the respondent No.1/arbitrator overlooked this aspect and

erroneously held that the application filed by the petitioner on 09.04.2021 is barred by limitation. If the respondent No.1 had taken into account the decision of Hon'ble Apex Court mentioned supra, it appears that same was not brought to his notice, he would not have arrived at the finding that the application was barred by limitation. The respondent No.1 overlooking the aforesaid authority renders the impugned order illegal on the face of it. Hence, the impugned award of respondent No.1 is liable to be set aside being opposed to public policy of India and vitiated by patent illegality appearing on the face of it. Therefore, I answer point No.1 in the negative.

12. **Point No.2:** In the result, I proceed to pass the following:

ORDER

The petition is allowed and the award of respondent No.1 in Arbitration Proceeding No.ARB/BCE/BPT/20/2021-22, dated 15.10.2024 is hereby set aside.

The Arbitrator shall decide the application under Section 3G(5) of NH Act filed by the land losers/claimants on merits.

No order as to cost.

(Dictated to the Stenographer directly on the computer, typed by him, revised, corrected and then pronounced by me in the open Court on this the **10TH DAY OF AUGUST 2026**)

(V.M. ANANDASHETTI)
PRL. DISTRICT & SESSIONS JUDGE, KOLAR.

Vsr./-*