

GJPM010043262025



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**IN THE COURT OF 5th ADDITIONAL DISTRICT JUDGE,
PANCHMAHALS AT GODHRA**

[DECIDED ON : 29.04.2026]

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CIVIL MISC. APPLICATION NO. 147 OF 2025

EXH: _____

Applicants

1. Padiyar Jaydipsinh Shantilal
Age: 57,
2. Farukh Rasoolbhai Shaikh
Age: 43,
3. Suraiyaben Rasoolbhai Shaikh
Age: 67,

All the applicants are residing at :
Gad, Taluka Godhra,
District : Panchmahals.

V e r s u s

Opponents

1. Arbitrator and Collector,
Panchmahals.
Office At : Collector's Office,
Godhra, District : Panchmahals.
2. Competent and Additional Special Land
Acquisition Officer
Office At : Land Acquisition Office,
Near Prant Office, Godhra.

3. Project Director, NHAI, PIU
Office At :
Plot No.27, Gayatri Nagar,
Bamroli Road, Godhra

4. Central Government of India,
Ministry of Road Transport & Highways,
Government of India,
New Delhi.
(Represented by PD, NHAI, via PIV
Ahmedabad)
Office At :27, Gayatri Nagar,
Bamroli Road, Godhra

Appearance :

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Mr. R. M. Patel Ld. Advocate for applicants
Mr. R. S. Thakor Ld. PP for opponent no. 1 & 2
Mr. R. P. Vyas Ld. Advocate for opponent no. 3 & 4
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Subject :- An application under Section 29(A)(4)(5) of Arbitration and Conciliation Act, 1996 for extension of mandate of the Statutory Arbitrator.

J U D G M E N T

1. This is an application under Section 29A(4)(5) of Arbitration and Conciliation Act, 1996 seeking extension of time for the arbitration proceedings and pronounce the award.

2. The present applicants are agriculturist, residing at Village **Gad** Taluka **Godhra**, District Panchmahals. Their agricultural lands bearing survey no. **4 paiki 3, 101/A/2**

paiki 5, 101/A/1 were acquired for the purpose of construction of National Highway Project - Ahmedabad-Indore Four Lane Road. The competent authority passed an award determining compensation for the acquired lands in **Land Acquisition Case No. 2/2009, 40/2012 and 45/2013**. Being dissatisfied with the amount of compensation awarded, the applicants invoked the arbitration mechanism as provided under Section 3(G)(5) of the National Highways Act, 1956, and accordingly their disputes were referred to the Statutory Arbitrator, namely the Collector, Panchmahals.

- 3.** The Arbitrator passed order on **28.08.2025** in arbitration case holding that the statutory period for concluding arbitration has expired under Section 23(4) read with Section 29(A)(1), (3) and (4) & (5) of the Arbitration and Conciliation Act, 1996. The order also mentioned that all concerned parties may apply for extension before the competent Court. Accordingly, in view of that, the present application is filed.
- 4.** The **opponent Nos. 1 and 2** appeared through **Ld. PP Mr. R. S. Thakor**.
- 5.** The rest of the **opponent no. 3 and 4** appeared through **Ld. Advocate Ms. R. P. Vyas**.

6. Heard **Ld. Advocate Mr. R. M. Patel** for the applicants. It is submitted that the Ld. Arbitrator has passed the impugned order under an erroneous understanding of law. It was argued that the statutory period of twelve months commences only after the completion of pleadings and in the present case, the pleadings were not completed within the meaning of the Act. It was further submitted that the Arbitrator is a Statutory Arbitrator holding the office of Collector, Panchmahals and due to administrative engagements, election duties and other official work, the proceedings could not progress expeditiously. It was contended that the applicants are farmers and are in no way responsible for the delay and therefore the mandate deserves to be extended in the interest of justice.

7. On the other hand, Ld. PP opposed the application and submitted that the Ld. Arbitrator has passed a lawful and proper order. It was argued that no sufficient cause is shown for extension of mandate and therefore, the present application deserves dismissal.

The Ld. Advocate for opponent no. 3 & 4 submitted that the Arbitrator passed proper order. There is no sufficient cause shown by the applicants, so mandate of the arbitrator may not be extended.

8. I have heard the Ld. Advocates for the respective parties and have carefully perused the record. It is not in dispute that the lands of the applicants were acquired for a National Highway project and that the applicant due to the dissatisfaction with the compensation awarded, so, they would requested to refer their dispute to the Arbitrator. In view of that Ld. Sole Arbitrator was statutorily appointed to preside over as an arbitrator of the Arbitral Tribunal. The Arbitrator passed order on the ground that time limit is over. Therefore, the present reference has been preferred.

9. It is pertinent to note that Section 29A of the Arbitration and Conciliation Act empowers the Court to extend the mandate of the Arbitral Tribunal even after the expiry of the prescribed period, provided sufficient cause is shown. In this regard, it is pertinent to refer the said Section 29 A which reads as under :-

29A. Time limit for arbitral award. (4) If the award is not made within the period specified in sub-section (1) or the extended period specified under sub-section (3), the mandate of the arbitrator(s) shall terminate unless the Court has, either prior to or after the expiry of the period so specified, extended the period: Provided that while extending the period under this sub-section, if the Court finds that the proceedings have been delayed for the reasons attributable to the arbitral tribunal, then, it may order reduction of fees of arbitrator(s) by not exceeding five per cent. for each month of such delay. [Provided further that where an application under sub-section (5) is pending, the mandate of the arbitrator shall

continue till the disposal of the said application: Provided also that the arbitrator shall be given an opportunity of being heard before the fees is reduced.]

(5) The extension of period referred to in sub-section (4) may be on the application of any of the parties and may be granted only for sufficient cause and on such terms and conditions as may be imposed by the Court.

- 10.** The Hon'ble Supreme Court has consistently held that procedural delays not attributable to the parties should not defeat substantial justice. In the present case, the Arbitrator is the Statutory Arbitrator functioning as a Collector, and it appears that the delay occurred due to administrative and procedural reasons rather than any deliberate inaction on the part of the applicants. Considering the stage of proceedings, the nature of dispute and the fact that refusal to extend the mandate would result in multiplicity of proceedings and serious prejudice to the land-losing farmers, this Court is of the considered opinion that sufficient cause is made out for the extension of the mandate. The delay appears to be justified and not intentional. Therefore, in the interest of justice, it is necessary to extend the mandate of the Statutory Arbitrator to enable adjudication of the dispute on merits. In view of above, the mandate is extended for one year from the date of receipt of this order. Hence, following order is passed.

ORDER

1. The present application is hereby allowed.
2. It is hereby ordered that the mandate of Statutory Arbitrator to adjudicate the dispute regarding compensation awarded to present applicant's land are

hereby extended for **ONE YEAR** from the date of receipt of copy of this order by the Ld. Arbitrator and from the date of appearing of both parties before the Ld. Arbitration Tribunal.

3. It is hereby ordered that Ld. Arbitrator shall pronounced the award within this extended period and further directed to both the parties shall extend their co-operation to the Arbitration Tribunal to adjudicate this matter expeditiously.

4. Accordingly, the Arbitral Tribunal is directed to proceed expeditiously.

5. No order passed as to costs.

Signed and Pronounced in the open Court today
i.e. on 29th day of April, 2026.

Date : 29.04.2026

Place : Godhra

(Vaibhav Vasant Mondhe)
5th Additional District Judge,
Panchmahals at Godhra.
Code No. GJ00852