

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE-CUM-COMMERCIAL
COURT, PATNA**

ARBITRATION CASE No.152 OF 2025

**National Highways Authority of India through of Project Director
....Petitioner**

Vs.

Gulabi Devi & Anr.

....Opposite Parties

**Order
No.**

Date

O R D E R

06 09-06-2026

1. Heard learned counsel for the petitioner.
2. This Arbitration case has been filed on behalf of the petitioner under Section 34 of the Arbitration and Conciliation Act, 1996 for setting aside the order dated 02.09.2025 passed by learned Arbitrator-cum-Divisional Commissioner, Patna in NH Arbitration Case No.108 of 2022.
3. As per Sheristedar's report, Court fee of Rs.245/- is deficit and there is delay of 05 days in filing of the present case.
4. Learned counsel for the petitioner by filing a petition dated 09.06.2026 under Section 34(3) of the Arbitration Act stating therein that in filing the present case there is requirement of signed copy of the arbitral award but in the present case, no signed copy has been supplied to the petitioner and therefore limitation has been arose. Certified copy of the award has been prepared on 28.11.2025 and the same can be treated as the date of delivery of the award. Since the certified copy of the award has been prepared on 28.11.2025 and the present arbitration case, under Section 34 of the Arbitration Act has been filed on 06.12.2025, it is within time as stipulated under Section 34(3) of Arbitration and Conciliation Act. Accordingly, prayed to condone the delay and admit the present case.
5. Having regard to the facts and circumstances and submission of the learned counsel for the petitioner, the delay in filing the present petition stands condoned.
6. Upon perusal of the application, it is evident that the petitioner is seeking setting aside of the award on the ground that the learned Arbitrator has directed CALA to consider the said land classified in the commercial category from the date of notification and

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determine the compensation amount of the acquired land on such rate.

7. The dispute involved in the present matter does not fall within the definition of 'Commercial Dispute' as defined in Section 2(1)(c) of Commercial Courts Act, 2015. Thus, the same shall not be heard by 'Commercial Court' under Section 10(3) of the Commercial Courts Act, 2015.
8. Section 34 of Arbitration and Conciliation Act provides for recourse to a Court against an arbitral award by an application for setting aside such award.
9. According to Section 2(e)(i) of Arbitration and Conciliation Act, Court means-

“(i) in the case of an arbitration other than international commercial arbitration, the principal Civil Court of original jurisdiction in a district, and included the High Court in exercise of its ordinary original civil jurisdiction, having jurisdiction to decide the questions forming the subject-matter of the arbitration if the same had been the subject-matter of a suit, but does not include any Civil Court of a grade inferior to such principal Civil Court, or any Court of small Causes.”

10. Vide judgment dated 29.11.2024, Hon'ble Patna High Court in **Civil Miscellaneous Jurisdiction No.752 of 2023 with Civil Miscellaneous Jurisdiction No.755 of 2023 with Civil Miscellaneous Jurisdiction No.305 of 2024**, has observed:-

*“At the same time, in the case of **Shivam Housing Pvt. Ltd.** (supra), the Hon'ble Division Bench of this Court while considering the nature of court under principal Civil Court as defined in Section 2 (1) (e) of the A & C Act, 1996 has taken within its ambit the court of Additional District Judges as well while holding that it is the court of District Judge which is a principal Civil Court. Such interpretation appears to be practical in view of the fact that the court of District Judge is already overburdened. After notification as Commercial Court, naturally the burden would increase when the execution matters are also left to be disposed of by the court of District Judge, plight of*

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such courts could be easily understood. If the court of District Judge is subjected to everything, the whole purpose of enactment of Commercial Courts Act and Arbitration and Conciliation Act would be frustrated as these enactments have been made to expedite the process of disposal of the arbitration matters and commercial disputes. This factor is also to be taken into consideration, but sadly the Notification dated 02.08.2019 has completely missed the point.”

11. Hence, from the above discussion, it is manifest that this case can be assigned to the District Judges also.
12. Accordingly, this Miscellaneous (Arbitration) case is **admitted**. Issue notice to the respondents through registered post after filing requisites by the petitioner.
13. Office is directed to transfer this record to the Court of learned District Judge-26th, Patna for proceeding in the case as per law.
14. Put up this case on 14.07.2026 for further proceedings.

(Dictated)

**Sd/-
(Rupesh Deo)
Principal District Judge-
cum-Commercial Court, Patna**