

Misc. Judicial (Arbitration) Case No. 05 / 2018
CNR No. WBCB01-000768-2018

**Present : Subrata Ch. Polle, Judge, MAC Tribunal cum
District Judge, Cooch Behar**

32
16/05/2023

Today is the date fixed for hearing.

Learned Counsels for the petitioner, the National Highway Authority of India, and Learned Government Pleader are present.

Sri Sidhartha Sarkar, learned counsel has submitted that the present application under section 34 of the Arbitration and Conciliation Act, 1996 has been filed within the period of limitation and till now the said limitation continues on the ground that the arbitral award in question has not been communicated to the petitioner herein.

Sri Kumardeep Mukherjee learned counsel appearing for the National High Authority of India, *per contra*, has submitted that the award has been communicated to the parties.

Sri Mukherjee submits that the Special Land Acquisition Officer / respondent No. 2 of this District represented by the learned Government Pleader is the custodian of the record and an appropriate direction be passed upon the said authority to communicate this Court regarding the date of communication of the award for ascertaining of limitation in filing the present case challenging the arbitral award.

Considering the aforesaid facts and circumstances of the case and further taking into account of the provision contained in section 34 (3) of the Arbitration and Conciliation Act, 1996, Sri Anup Kumar Dey learned Advocate for Sri Netai Chandra Dey learned Government Pleader representing respondent No. 2 is directed to produce the record of the case for ascertaining the date when the impugned arbitral award in question challenged herein had been communicated to the petitioner in this case by the next date positively with an intimation to the learned counsel appearing for the National High Authority of India.

Accordingly, the case is adjourned today.

Fix **10/07/2023** for report by the respondent No. 2 for ascertaining the date when the arbitral award in question had been communicated to the petitioner.

Sd/- S.C.Polle

**District Judge
Cooch-Behar**