

GAHC010013792017



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1068/2017

GHANASHYAM CHETRY
S/O LT. TIKA RAM CHETRY, R/O LANKA TOWN, W/O NO.8, MOUZA, P.O. and
P.S. LANKA, DIST- HOJAI, ASSAM, PIN-782446

VERSUS

NATIONAL HIGHWAY AUTHORITY OF INDIA and 4 ORS.
REP. BY THE CHAIRMAN, G 5and6, SECTOR 10, DWARKA, NEW DELHI-75

2:THE COMMISSIONER
NORTH ASSAM DIVISION
TEZPUR AND ARBITRATOR
N.H. -4 LANE OF NAGAON AND MORIGAON DISTRICT
TEZPUR
DIST- SONITPUR
ASSAM
PIN-784001

3:THE COLLECTOR CUM DY. COMMISSIONER
NAGAON
DIST- NAGAON
ASSAM
PIN-782001

4:THE ADDL. DY. COMMISSIONER L.A.
NAGAON
DIST- NAGAON
ASSAM
PIN-782001

5:THE DY. COMMISSIONER
HOJAI

DIST- HOJAI
ASSAM
PIN-78243

Advocate for the Petitioner : MRM R ADHIKARI, MR.P N SHARMA

Advocate for the Respondent : GA, ASSAM, MR.R BORAH,SC, NHAI,MR.D DEKA(R-1),MRP KUMAR(R-1)

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

12.08.2025

The land of the petitioner was acquired to facilitate construction of four lane National Highway. Aggrieved by the award passed by the CALA, the petitioner approached the Arbitrator appointed under the provision of National Highways Act, 1956. The Arbitrator enhanced the compensation by a common award dated 25.09.2008 preferred by the petitioner and other affected persons.

Being aggrieved, the National Highways Authority of India preferred an appeal under Section 34 of the Arbitration and Conciliation Act, 1996 for setting aside the arbitral award. Such arbitral award under challenged was modified by the learned District Judge under its order 19.04.2012 in Misc (J) case No. 116/2009. Though arbitral award was also in favour of the petitioner, however, it is contended that the petitioner was not made a party in Misc (J) Case No. 116/2009. Therefore, such order passed under Section 34 by the learned District Judge is not binding upon the petitioner.

Mrs. R Borah, learned standing counsel for the NHAI fairly admits that the petitioner herein was not made a party in the appeal filed under Section 34 of the Arbitration and Conciliation Act, 1996. However, she submits that she may

be granted some time to prepare her argument as she is not ready today to respond to the argument of Mr. RP Sarmah, learned Senior counsel for the petitioner that when in the appeal the petitioner was not made party such arbitral award is not binding upon him inasmuch as the petitioner will be entitled for payment of compensation in term of the award passed by the Arbitrator and not in term of order dated 19.04.2012 of the learned District Judge.

Prayer stands allowed.

The NHIDCL shall also file an affidavit bringing on record the copy of the Misc (J) case No. 116/2009.

List this matter again on 05.09.2025.

JUDGE

Comparing Assistant