



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Arbitration Case No.37 of 2025

Date of Decision : 26.11.2025

Hukam Chand and others

..... Petitioners

Versus

National Highways Authority of India and another

.....Respondents

Coram:

The Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting?¹

For the petitioners : Mr. Hamender Singh Chandel, Advocate.

For the respondents : Mr. Karan Sharma, Advocate, for respondent No.1.

Mr. B.N. Sharma, Additional Advocate General, for respondent No.2/State.

Shri Joginder Singh, Naib Tehsildar, Divisional Commissioner, Shimla, is present along-with record.

Bipin Chander Negi, Judge (oral)

The present petition has been filed by the petitioners, seeking mainly the following relief:-

"1. That the period since the pendency of the Arbitration Petition No.68/16 titled as Hukam Chand and others vs. NHAI and others may be regularized and the mandate of the Arbitrator may be extended for a reasonable time as deemed proper by this Hon'ble Court."

2. Heard learned counsel for the parties. Perused the petition and the documents appended along-with present petition. The arbitral proceedings, in the case at hand, were terminated by the Divisional



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Commissioner/Arbitrator for National Highway Authority of India vide judgment dated 13.03.2023 on account of the fact that the mandate of the Arbitrator, in terms of Section 29(a), had lapsed.

3. Being aggrieved by the same, the present petitioners had approached this Court by filing Arbitration Case No.703 of 2023. The same was decided vide order dated 24.08.2023. The order is being reproduced here-in-below for ready reference:-

"Learned counsel for respondent No.1, has submitted that similar matter was decided by the Coordinate Bench of this Court on 17.07.2023 in Arbitration Case No.521 of 2023, titled Begma vs. Collector Land Acquisition and Ors.

In view of the submission made by learned counsel for respondent No.1, as well as taking into consideration the aforesaid order, learned Arbitrator is granted six months' time from the date parties appear before the learned Arbitrator to complete the arbitration proceedings. As far as, the issue for awarding interest is concerned, learned Arbitrator is also free to deal with the same and the respondents are at liberty to agitate the issue of interest, which shall be considered by learned Arbitrator, as per law. The parties are directed to appear before learned Arbitrator on 12.09.2023. The petition stands disposed of.

The parties are permitted to produce a copy of this order, downloaded from the web-page of the High Court of Himachal Pradesh, before the authorities concerned and the said authorities shall not insist for production of a certified copy, but if required, may verify it from website of the High Court."

4. It is the case of the petitioners that on the date directed, i.e., 12.09.2023, the petitioners had gone to the Office of the Divisional Commissioner-cum-Arbitrator for National Highway Authority of India and he had furnished a copy of the judgment dated 24.08.2023 extending the time for completing the arbitral proceedings in the Office of the said Authority.



5. From perusal of the record, it is evident that on 12.09.2023, the Divisional Commissioner-cum-Arbitrator for National Highway Authority of India was unavailable and, hence, no proceedings could be conducted on the said date. No arbitral proceedings were conducted in the case of the petitioners after 12.09.2023.

6. From perusal of the record, it is also evident that the petitioners, in the case at hand, have exhibited a complete lack of diligence in pursuing the remedies available to them. However, keeping in view the fact that the arbitral proceedings pertain to determination of compensation qua lands of the petitioners which have been acquired, hence, the parties are being relegated to the Arbitral Tribunal for early adjudication of the matters. It is expected that the petitioners henceforth shall be vigilant in pursuing the remedies available to them.

7. In view of the aforesaid, learned Arbitrator is granted six months' time from the date parties appear before the Arbitrator to complete the arbitral proceedings. As far as the issue of interest is concerned, learned Arbitrator is free to deal with the same and the respondents are at liberty to agitate the issue of interest which shall be adjudicated, in accordance with law.

8. In view of above terms, present petition stands disposed of, so also, the pending miscellaneous application(s), if any.

9. The parties are directed to appear before the Arbitrator positively, on **08.12.2025**.

10. The parties are permitted to produce a copy of this order, downloaded from the web-page of the High Court of Himachal Pradesh,



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before the authority concerned and the said authority shall not insist for production of a certified copy, but if required, may verify it from website of the High Court.

November 26, 2025 (KS)

(Bipin Chander Negi)
Judge