

(2024) 01 SHI CK 0024
In the High Court Of Himachal Pradesh
Case No : Arbitration Case No.976 Of 2023

Jiva Nand

APPELLANT

Vs

Land Acquisition Collector & Ors

RESPONDENT

Date of Decision : 01-01-2024

Acts Referred:

Citation : (2024) 01 SHI CK 0024

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Devender K. Sharma, Seema Sharma, K.D Shridhar, Shreya Chauhan, Balram Sharma

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

1. By way of instant petition, a prayer has been made to extend the time for completion of arbitration proceedings pending before learned Divisional Commissioner, Shimla, camp at Solan, District Solan, HP, in Reference Petition No.38 of 2019.

2. It is submitted in the application that though the proceedings were started by learned Divisional Commissioner, Shimla, in the year 2019 and the evidence etc., was yet to be recorded, but due to COVID pandemic conditions, the delay in further proceedings of the case was caused. As a result of aforesaid exigency, the docket of learned Divisional Commissioner, Shimla, is clogged with similar matters which are pending before such authority. On such grounds extension of time is sought.

3. The respondents, though, have not filed any reply, but there is no opposition to the prayer made in the application. The application is duly supported by an affidavit. The record of the proceedings held by Divisional Commissioner, Shimla, has also been placed on record. From perusal of the reasons stated in the application as also the record of the learned Divisional Commissioner, Shimla, I

am satisfied that the delay in completion of proceedings is neither intentional nor willful, but is on account of reasons which were beyond the control of the learned Arbitrator as also the parties concerned.

4. Otherwise, parties are ad-idem that the issue at hand has been adjudicated by this Court in Arb. Case No. 38 of 2019, titled Jiva Nand Vs. Land Acquisition Collector, wherein provisions of S.29A of the Act have been discussed in detail.

5. In view of this, the application is allowed. The time for completion of arbitration proceedings by learned Divisional Commissioner, Shimla, in Reference Petition No.38 of 2019 is extended by six months to be reckoned from the date parties appear before learned Arbitrator. Parties are directed to appear before learned Arbitrator on 08.01.2024. The petition is accordingly disposed of.

A downloaded copy of this order shall suffice for the learned arbitrator to do the needful in terms thereof.