
(2026) 01 JH CK 1978

In the Jharkhand High Court

Case No : Writ Petition (C). No. 3357 Of 2022

National Highway Authority of India represented through its Project Director APPELLANT

Vs

State Of Jharkhand, through Chief Secretary RESPONDENT

Date of Decision : 29-01-2026

Acts Referred:

National Highway Act, 1956 — Section 3A, 3D, 3(G)(1), 3G(5)

Citation : (2026) 01 JH CK 1978

Hon'ble Judges : Deepak Roshan, J

Bench : Single Bench

Advocate : Khushboo Kataruka, Shubham Kataruka, Tanya Budhia, Kumari Ruchika, Amrita Banerjee, Rishabh Kaushal

Final Decision : Disposed Of

Judgement

Deepak Roshan, J

1. Heard the parties.

2. The petitioner in W.P.(C). No. 3357 of 2022 has prayed for quashing the order dated 08.09.2020 (Annexure-1), passed by the learned Arbitrator-cum-Additional Collector, Ramgarh in Arbitration Case No. 10/2013-14 and determine the compensation amount himself as envisaged in Section 3G(5) of the National Highway Act, 1956.

Similarly, in W.P.(C). No. 1168 of 2023, the petitioner has challenged the order dated 30.12.2022, passed in Arbitration Case No. 55 of 2018.

3. Briefly stated, in W.P.(C). No. 3357 of 2022, vide Section 3A and Section 3D Notifications, the Petitioner in order to carry out the project of 4-laning/ widening of National Highway-33, declared the acquisition of land situated at Mauza-Murpa, Khata No. 27, Plot Nos. 614 admeasuring an area of about 1.23 Acres. It is further to be noted that CALA under Section 3(G) (1) of the NH Act had earlier

ascertained the total compensation towards the subject plots of raiyats, to the tune of Rs.18,53,378 (Rupees Eighteen Lakhs Fifty Three Thousand Three Hundred and Seventy Eight Only) for the land and not satisfied with the said compensation amount, the raiyats had filed a petition under Section 3G(5) of the NH Act before Respondent No.2/Ld. Arbitrator cum Additional Collector and the same was registered as Arbitration Case No. 10/2013-14.

4. In W.P.(C). No. 1168 of 2023, vide Section 3A and Section 3D Notifications, the Petitioner in order to carry out the project of 4- laning/ widening of National Highway-33, declared the acquisition of land situated at Mauza- Barhi, Khata No. 297, Plot Nos. 315 admeasuring an area of about 0.0630 Acres and the CALA under Section 3(G) (1) of the NH Act had earlier ascertained the total compensation towards the subject plots of raiyats, to the tune of Rs.16,73,330 (Rupees Sixteen Lakhs Seventy Three Thousand Three Hundred and Thirty Only) for the land and Rs. 1,23,582 (Rupees One Lakh Twenty Three Thousand Five Hundred and Eighty Two Only) for the structure and not satisfied with the said compensation amount, the raiyats had filed a petition under Section 3G(5) of the NH Act before Respondent No.2/Ld. Arbitrator cum Additional Collector and the same was registered as Arbitration Case No. 55/2018.

5. However, the Learned Arbitrator after hearing the parties, instead of making an award under Section 3G (5) of the said Act, remanded the matter to CALA/DLAO for re-determination of the compensation amount, which is bad in law and beyond the powers of the CALA/DLAO to re-determine the compensation amount.

6. The grievance of the petitioner is that as per Section 3G (5) of the said Act, if there is any dispute with regard to compensation between the parties, either of the parties can move before the Arbitrator who has to pass a specific order. However, in the instant cases, the Arbitrator after giving an observation that the compensatory amount is not proper, has delegated his power to CALA/DLAO to determine the compensation which is certainly dehors the provision of Section 3G(5) of the National Highway Act, 1956.

7. By these writ petitions under Article 226 of the Constitution of India, the petitioners have essentially asked for setting aside of the order dated 08.09.2020 [in W.P.(C). No. 3357 of 2022] and the order dated 30.12.2022 [in W.P.(C). No. 1168 of 2023], passed by learned Arbitrator-cum-Additional Collector, Ramgarh to the extent of remanding back the matter before the competent Authority for determination of amount/compensation.

8. The question raised in this petition, in that sense, is purely a question of law. The facts are indisputable. It is not in dispute that the competent Authority decided the claim of the petitioners. Against which, the petitioners preferred remedy before the Commissioner and Arbitrator for determination of amount payable as compensation, under section 3G of the National Highway Act, 1956.

Sub-Section (5) of Section 3G envisages that if the amount determined by the competent Authority is not acceptable to either of the parties, on an application

made by the aggrieved party the Arbitrator to be appointed by the Central Government must determine the same. There is no power bestowed on the Arbitrator to relegate the claimant before the competent Authority for redetermination of the amount/compensation.

Thus, in absence of such power, the Arbitrator could not have directed remand on the issue of determination of amount/compensation to the competent Authority.

9. In other words, the order of remand is without jurisdiction. Hence, the same is set aside. As a result, Arbitration Case No. 10/2013-14 [in W.P.(C). No. 3357 of 2022] and Arbitration Case No. 55 of 2018 [in W.P.(C). No. 1168 of 2023], are restored to the file to its original numbers and the learned Arbitrator-cum-Additional Collector, Ramgarh is directed to decide all aspects of the matter for determination of amount payable as compensation to the petitioners.

10. Let it be made clear that all questions in that behalf will have to be decided by the learned Arbitrator on its own merits, in accordance with law.

11. Accordingly, both these applications stand disposed of.