

**(2023) 07 SHI CK 0057**

**In the High Court Of Himachal Pradesh**

**Case No : Arbitration Case No.523 Of 2023**

Pratap Chand

APPELLANT

Vs

Collector Land Acquisition And Ors

RESPONDENT

**Date of Decision : 17-07-2023**

**Acts Referred:**

**Citation : (2023) 07 SHI CK 0057**

**Hon'ble Judges : Sandeep Sharma, J**

**Bench : Single Bench**

**Advocate : Maan Singh, Anoop Rattan, Rajan Kahol, Vishal Panwar, B.C. Verma, Rahul Thakur, Ravi Chauhan, K.D. Shreedhar, Shreya Chauhan**

**Final Decision : Allowed**

## **Judgement**

Sandeep Sharma, J

1. By way of present application, a prayer has been made to extend the time for completion of arbitration proceedings pending before learned Divisional Commissioner, Mandi.

2. It is submitted in the application that though the proceedings were started by learned Divisional Commissioner, Mandi, in the year 2017 and the evidence etc., was 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, Mandi, is clogged with similar matters which are pending before such authority. On such grounds extension of time is sought.

3. The respondents though have filed replies, 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, Mandi, has also been placed on record. From perusal of the reasons stated in the application as also the record of the learned Divisional Commissioner, Mandi, 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. 44 of 2023, titled Nand Lal alias Nand Lal Vardhan v. Land Acquisition Collector and others, wherein provisions of S.29A of the Act have been discussed in detail.

5. In view of this, present petition is allowed. Time for completion of arbitration proceedings by learned Divisional Commissioner, Mandi, in Reference Petition No. 1217 of 2017, is extended by six months from the date parties appear before the learned Arbitrator. Parties are directed to appear before learned Arbitrator on 4.8.2023. 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.