

(2023) 05 SHI CK 0208

In the High Court Of Himachal Pradesh

Case No : Arbitration Case 285, 286, 287, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314 Of 2023

Ram Singh Collector And Others

APPELLANT

Vs

Land Acquisition And Others

RESPONDENT

Date of Decision : 30-05-2023

Acts Referred:

Citation : (2023) 05 SHI CK 0208

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Maan Singh, Anoop Rattan, Rajan Kahol, Vishal Panwar, Pranay Pratap Singh, B.C. Verma, Rahul Thakur, Ravi Chauhan, Shreya Chauhan, Sneha Bhimta

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

1. Since all the applications pertain to same issue, they were taken up together and are being disposed of vide this common order.
2. By way of these applications, a prayer has been made to extend the time for completion of arbitration proceedings pending before learned Divisional Commissioner, Mandi.
3. It is submitted in the applications that though the proceedings were started by learned Divisional Commissioner, Mandi, in the year 2019 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.
4. 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.

5. 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.

6. In view of this, all the petitions are allowed. Time for completion of arbitration proceedings by learned Divisional Commissioner, Mandi, in Reference Petition Nos. 1125 of 2017, 74 of 2018, 478 of 2018, 1016 of 2016, 1015 of 2016, 1368 of 2017, 61 of 2018, 72 of 2018, 1369 of 2017, 1128 of 2017, 479 of 2018, 1135 of 2017, 1134 of 2017, 1018 of 2016, 1017 of 2016, 1568 of 2017, 502 of 2018, 1164 of 2017, 1165 of 2017, 66 of 2018, 65 of 2018, 384 of 2018, 383 of 2018, 1419 of 2017, 1099 of 2017, 1095 of 2017, 125 of 2018, 1421 of 2017, 329 of 2018, 1096 of 2017 and is extended by six months to be reckoned from today. Parties are directed to appear before learned Arbitrator on 26.6.2023.

The petitions are accordingly disposed of.

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