

Hon'ble Sudhanshu Dhulia, J.

Mr. Navnish Negi, Advocate, for the petitioners.

Mr. Anurag Bisaria, Standing Counsel, for the State/respondent no.1 and 2.

Mr. Naresh Pant, Advocate, for the respondent no.3.

The petitioners before this Court are challenging the award dated 20.08.2019 which has been made by the Arbitrator under Section 3G of the National Highways Act, 1956 (from hereinafter referred to as the "Act").

Sub-sections (6) & (7) of Section 3G of the Act clearly stipulate that the provisions of the Arbitration and Conciliation Act, 1996 shall apply to every arbitration under this Act.

In view of this Court, the award can only be challenged by the petitioners under Section 34 of the Arbitration and Conciliation Act, 1996 before the Principal Civil Court which has been defined under Section 2 (e) of the Arbitration and Conciliation Act, 1996.

Since the petitioners have a remedy to file an application before the Principal Civil Court of original jurisdiction, no interference is being called for by this Court in the matter.

Consequently, the writ petition fails and it is hereby dismissed in limine.

However, it is made clear that the dismissal of the writ petition shall not prejudice the case of the petitioners in case they choose to file an application under Section 34 of the Arbitration and Conciliation Act, 1996 before the appropriate court.

(Sudhanshu Dhulia, J.)

31.10.2019