

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Arbitration Case No.298 of 2024

Date of Decision: 29.02.2024

Bhim Sen & Anr.

.....Petitioners

Versus

Union of India & Ors.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioners: Ms. Suhani Gautam, Advocate.

For the respondents: Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No.1.

Ms. Sneh Bhimta, Advocate, for respondents No.2 and 3.

Mr. Ramakant Sharma, Additional Advocate General, for respondent No.4.

Sandeep Sharma, J. (Oral)

By way of instant petition, a prayer has been made to extend the time for completion of arbitration proceedings pending before learned Divisional Commissioner, Mandi, District Mandi, HP, in Arbitration Case No.1543 of 2017

2. It is submitted in the application that though the proceedings were started by learned Divisional Commissioner, Mandi, in the year 2018, 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 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, 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 Vs. Land Acquisition Collector and others**, 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, Mandi, in Arbitration Petition/Case No.1543 of 2017 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 **11.03.2024**. The petition is accordingly disposed of.

6. Needless to say, parties to the lis would complete pleadings before the learned Arbitrator on or before the date fixed by this Court, so that needful is done by the Arbitrator well within stipulated time.

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

February 29,2024

(shankar)

**(Sandeep Sharma),
Judge**