

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9902 of 2026

Roshan Kumar Son of Late Bhagwan Lal Sah, Resident of Mohalla-Simrahi Bazar, P.O. and P.S. Raghopur, District-Supaul.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, N.H. Division Department, Government of India, New Delhi.
2. The Secretary, N.H. Division Department, Government of India, Ministry of Road and Highways, Nirman Bhawan, New Delhi.
3. The State of Bihar through Secretary, Road and Construction Department, Secretariat, Bailey Road, Patna.
4. The Collector, Supaul, District- Supaul.
5. The Project Director, P.I.U. Araria, National Highway Authority of India (N.H.A.I), Patna.
6. The District Land Acquisition Officer, Supaul, District-Supaul.
7. The Commissioner cum Arbitrator, Koshi Division, District Saharsa.
8. The Land Acquisition Officer, Supaul, District- Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mani Bhushan Kumar, Advocate
For the State	:	Mr. Md. Raisul Haque, SC 10
For the NHAI	:	Mr. Adr. Maurya Vijay Chandra, Advocate Mr. Praty Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH

ORAL JUDGMENT

Date : 08-07-2026

Heard learned counsel for the parties.

2. By preferring the present writ application petitioner has questioned the order dated 24.04.2026 passed by the Commissioner-cum-Arbitrator, Koshi Division, Saharsa whereby he has dismissed the Arbitration Case of the petitioner solely on the ground that a writ application has been filed in the



High Court of Judicature at Patna under Oath No. 1743 as reported by the District Land Acquisition Officer, Saharsa vide letter no. 2216 dated 27.11.2025.

3. Learned counsel for the petitioner submits that he has filed Arbitration Case before the Commissioner, Koshi Division, Saharsa for grant of interest on the compensation amount which was paid to him after much delay. The Commissioner, Koshi Division without deciding the interest merely consigned the Arbitration Case on the report dated 27.11.2025 of the Land Acquisition Officer, Supaul intimating that for similar relief a writ application has already been filed in the High Court under Oath No. 1743 without giving details of the case. Thus, merely on the basis of aforesaid report by a cryptic order dated 24.04.2026, Commissioner, Koshi Division, Saharsa disposed off the Arbitration case without deciding the issue of interest so raised by the petitioner.

4. Learned counsel appearing on behalf of the State and N.H.A.I did not controvert this submission of the petitioner to the extent that order of the Commissioner is cryptic and has been passed merely on the basis of a report of District Land Acquisition Officer, stating about the pendency of a writ application, the details of which has not been provided therein,



goadng the Commissioner to dispose off the case summarily.

5. Having heard the parties and perused the documents brought on record from which it appears that the petitioner had preferred arbitration (Misc.) Case No. 61 of 2025 before the Commissioner, Koshi Division, Saharsa in terms of Section 3G(5) of the National Highways Act, 1956 praying therein for grant of interest over the delayed payment of compensation, which the Commissioner being arbitrator, has to decide in terms of the provisions given in the Act.

6. The land of the petitioner has duly been acquired on 08.08.2006 and prior to that under Section 3A of the Act dated 19.10.2005 the notification to the effect of acquisition of the aforesaid land of the petitioner, has duly been published. The 3.7 decimal of land of the petitioner appertaining to Thana No. 118, Circle Raghapur, Khata No. 83, Khesara No. 1025 Mauza Simrahi has been acquired in August, 2006 for which compensation had already been paid but that too after much delay entitling the petitioner to claim interest thereon in terms of the provisions as contained in Section 3G(5) of the National Highways Act, 1956.

7. Thereafter, the Commissioner, Koshi Division, Saharsa called for a report from the District Land Acquisition Officer,



Supaul who instead of submitting report simply intimated the Divisional Commissioner, Saharsa vide his letter no. 2216 dated 27.11.2025 that for similar relief a writ application has been preferred by the petitioner before the Hon'ble High Court. The District Land Acquisition Officer simply mentioned one oath number as Oath No. 1743 dated 25.09.20.

8. By preferring the present writ application petitioner has questioned the order dated 24.04.2026 passed by the Commissioner-cum-Arbitrator, Koshi Division, Saharsa whereby he has dismissed the Arbitration Case of the petitioner without deciding the issue so raised by him, solely on the ground of pendency of writ application in the High Court of Judicature at Patna under Oath No. 1743.

9. The Divisional Commissioner, Koshi Division, Saharsa without applying himself to the given sets of fact in order to dispose the matter, hurriedly consigned the case and closed the proceeding merely on that basis without verifying the factual aspect of the same. In terms of the statutory provisions as contained in the National Highways Act, 1956, the Commissioner being the arbitrator has to decide the issue either way.

10. The prayer of the petitioner is very limited; he has not



disputed the amount of compensation neither has he prayed for more compensation for the said land which has duly been acquired in year 2006. The petitioner being aggrieved by the delayed payment of compensation, has prayed before the Divisional Commissioner in the capacity of him being arbitrator, to issue a direction to the concerned authority for payment of interest on the delayed payment of compensation which, he is legally entitled, to in terms of the extant statutory provisions.

11. At this stage, Mr. Maurya Vijay Chandra, learned counsel appearing on behalf of the N.H.A.I raises legal issue with respect to the power of this Court to direct the Arbitrator, Divisional Commissioner, Saharsa to reconsider the issues on the merit by citing orders passed in the C.W.J.C. No. 15938 of 2023 dated 09.04.2024, C.W.J.C No. 1467 of 2024 order dated 02.05.2024 and a judgment as reported in 2005(8) SCC 618. By referring to aforesaid judgment/orders Mr. Maurya Vijay Chandra points out that the only course available to the petitioner is to approach the competent court in terms of provisions as contained in Section 34 of the Arbitration and Conciliation Act, 1996 or in the alternative to approach the competent authority under Section 30 of the aforesaid Act for settlement.

12. This argument so submitted on behalf of the learned



counsel appearing on behalf of the NHAI appears to fallacious, misconceived and based on misinterpretation of the orders/judgment referred to herein above. Two orders cited by him vide C.W.J.C. No. 15938 of 2023 dated 09.04.2024, C.W.J.C No. 1467 of 2024 evince that in both the aforesaid cases the Arbitrator had passed the reasoned and speaking order on the merit of the case and on the issue of limitation. Then it has been held that the only course available to the petitioner is to approach the competent Court under Section 34 of the Arbitration and Conciliation Act, 1996 and the judgments of the Hon'ble Supreme Court so cited above, is totally on different issue whereas power of Hon'ble Chief Justices of High Courts or the Hon'ble Chief Justice of Supreme Court with respect to appointment of an Arbitrator, has been settled thus, in my considered view all the aforesaid orders/judgment are not applicable in the present case.

13. In the case at hand, the Divisional Commissioner, Saharsa -cum- Arbitrator instead of passing any order on merit deciding the claim of petitioner with respect to the issue of interest raised therein, on account of delayed payment of compensation, has not been decided neither has the Divisional Commissioner-cum-Arbitrator passed any reasoned or speaking



order for not doing the same. What the Divisional Commissioner, Saharsa-cum-Arbitrator has done, will be evident from the order dated 24.04.2026 passed by him as quoted herein below for proper appreciation of the matter :-

“जिला भू-अर्जन पदाधिकारी, सुपौल के पत्रांक-2216, दिनांक-27.11. 2025 से प्रतिवेदन प्राप्त है। उनके द्वारा प्रतिवेदित किया गया है कि आवेदक द्वारा उक्त वाद के समान विषय-वस्तु के बावत माननीय उच्च न्यायालय, पटना में ओथ संख्या-1743, दिनांक-25.09.2025 के माध्यम से सिविल रिट याचिका दायर किया गया है, जो माननीय उच्च न्यायालय में विचाराधीन है। उनके द्वारा प्रस्तुत वाद को खारिज किये जाने का अनुरोध किया गया है।

अतः उपरोक्त के आलोक में इस आर्बिट्रेशन वाद की कार्यवाही समाप्त की जाती है। इस आदेश की प्रति सभी संबंधितों दी जाय।”

14. Merely on the basis of a report dated 27.11.2025 submitted by the District Land Acquisition Officer, Supaul furnishing information with respect to pendency of a writ application in the High Court under Oath No. 1743 dated 25.09.2025 without disclosing any further details thereon as to who are the parties, what relief has been prayed for and whether any order has been passed thereon on the orders of non-payment of interest, so claimed by the petitioner herein.

15. The aforesaid order dated 24.04.2026 passed by the



Divisional Commissioner-cum-Arbitrator does not come in the category of arbitral award as defined in Section 2(1)(c) of the Arbitration and Conciliation Act.

16. Award as defined in Black's Law Dictionary (8th Edition) means a final judgment or decision specially one by an Arbitrator. Under the Arbitration and Conciliation Act, 1996 it encompasses final awards, interim award and consent based decisions. In other words an arbitral award is binding and conclusive adjudication by an arbitral tribunal that resolves a dispute in full or in part.

17. In the present case the order impugned passed by the Divisional Commissioner, Saharsa -cum- Arbitrator seriously lacks quality of it being placed in the category of an award.

18. In this backdrop, this Court is left with no alternative but to set aside the order dated 24.04.2026 passed by the Divisional Commissioner, Saharsa. The petitioner is accorded liberty to file a fresh arbitration case before the Divisional Commissioner, Saharsa in terms of Section 3G(5) of the National Highways Act within a period of four weeks henceforth and on the arbitration case so filed by the petitioner within four weeks henceforth the Divisional Commissioner, Koshi Division, Saharsa is under obligation to accept the same



and decide the issue within a maximum period of three months from the receipt of the same because the claim of interest is for the land acquired in the year 2006 as such expeditious disposal of the same is the need of an hour.

19. It goes without saying that the Divisional Commissioner, Saharsa shall pass a positive, speaking and reasoned order but only after having heard all the parties concerned in the matter.

20. This Court has not expressed its opinion on the merit of the case. The Divisional Commissioner, Saharsa has all the liberty to decide the arbitration case for payment of interest on the basis of evidence and materials brought before him by all the parties concerned.

21. Accordingly, writ application is disposed of in the aforesaid terms.

(Rana Vikram Singh, J)

Prakash/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	21.07.2026
Transmission Date	

