

In the Court of District Judge, Munger
MISC CASE No. 76 /2023

National Highway Authority of India(through Project Director PIU
Munger -----Petitioner

Versus

Sanjeev Kumar & others -----Opposite parties

Order with signature of the Court

- 21-02-2024 1. This is an application filed by NHAI being aggrieved by order dated 18-04-2023 passed in L.A. Case no. 42 of 2022 by Arbitrator cum Divisional Commissioner , Munger Division.
2. Today learned Advocate for the petitioner appeared and filed two applications an pressing the same submitted that the next date fixed in this case is 02-03-2024 but petitioner has filed an application under Order 23 Rule 1 C.P.C. and hence wants to withdraw this Misc. application as cause of action has been settled. Hence, date may kindly be recalled.
3. Heard.
4. Application for recalling the date is allowed .
5. Office is directed to make necessary entry in C.I.S. Put up this case after said entry.

Dictated


District Judge, Munger

Dated :- 21-02- 2024

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Later on

21-02-2024

1. This is an application filed by NHAI u/s 34 of the of the Arbitration Act 1996 preferred against the order dated 18-04-2023 passed in Arbitration Case No. 42 of 2022 by Arbitration cum Divisional Commissioner, Munger Division.
2. Today an application under order 23 Rule 1 C.P.C. has been filed on the signature of Project Director NHAI- PIU-Munger Sri Pramad Kumar Mahto and learned Advocate submitted that NHAI in the interest of the Project and for expeditious completion of the Project, the Competent Authority in NHAI has considered the matter relating to grant of compensation of land owners for the instant Project i.e. NH-80 Munger-Mirzachauki and has taken a policy decision to grant compensation to land owners treating the acquired land as residential. Accordingly NHAI has decided to accept the impugned order i.e. Impugned Arbitral Award hence no lis survives. Therefore it is prayed to allow the petitioner to withdraw this Misc. application case .
3. Heard.
4. Perused the record .The case is fixed for hearing on the point of admission.
5. When the Petitioner i.e. NHAI has accepted the Award and decided to consider the nature of the land as residential and also decided to release the amount of compensation computed by CALA, there is no reason or any purpose of law will be served by rejecting this application.

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6. The Application is not supported with affidavit but the Project Director is physically present and supported the application.

7. Accordingly this application under order 23 Rule 1 filed by NHAI is allowed and this Misc. application is Dismissed as withdrawn.

The order is dictated and corrected by me.



(Prajesh Kumar)

District Judge, Munger

Dated :- 21-02-2024