SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			UKHC010188822026 **WPMS/3293/2026** Devesh Kabdwal --Petitioner **Versus** National Highways Authority Of India --Respondent **Hon'ble Siddhartha Sah, J.** Mr. B. D. Pande, learned counsel through V.C. with Mr. Bharat Tewari, learned counsel for the petitioner. 2. Mr. Naresh Pant, learned counsel through V.C. with Mr. Raunak Pant, learned counsel for respondent no.1. 3. Mr. Rakesh Kunwar, learned Addl. C.S.C. for the State/respondent no.2. 4. By means of the present petition, the petitioner has challenged the order dated 31.03.2026 passed by the Arbitrator / District Magistrate, Nainital, in Case No. 51/02 of 2024–2025, Devesh Kabdwal vs. National Highway Authority of India and another, whereby the arbitration claim petition filed by the petitioner before the Arbitrator / District Magistrate, Nainital, has been dismissed on the ground of being barred by limitation. 5. When the matter was called out, learned counsel for Respondent No. 1 raised a preliminary objection as

			to the tenability of the present petition in view of the provisions of Section 34 of the Arbitration and Conciliation Act, 1996. 6. Placing reliance upon the judgment of this Court rendered in Writ Petition (M/S) No. 534 of 2025, Saravan Singh and others vs. Competent Authority, Special Land Acquisition and another and other connected petitions, learned counsel for Respondent No. 1 would submit that, in view of the alternative statutory remedy provided under Section 34 of the Arbitration and Conciliation Act, the writ petition is not maintainable. 7. When this position of law was indicated to learned counsel for the petitioner, he could not deny the legal position as contemplated under Section 34 of the Arbitration and Conciliation Act, 1996, and submitted that the petitioner would avail the remedy under Section 34 of the Arbitration and Conciliation Act. 8. In view of the above, since the writ petition is not maintainable, the petition is dismissed. However, liberty is granted to the petitioner to file an application under Section 34 of the Arbitration and Conciliation Act, 1996, before the appropriate forum. **(Siddhartha Sah, J.)** 02.11.2026 BS