

NHAI versus Puran Singh & Another

Arb. Appeal No. _____ of 2026

17.07.2026

Present: Ms. Shreya Chauhan, Advocate, for the applicant.

None for respondent No.1.

Mr. Mohinder Zharaick and Mr. Tejasvi Sharma, Additional Advocates General with Ms. Ranjna Patial and Ms. Ayushi Negi, Deputy Advocates General, for respondent No.2.

OMP (M) No.109 of 2026

On 19.06.2026, in pursuance of the notice issued to respondent No.1, he has not bothered to put appearance and the matter was adjourned for today, to enable respondent No.2 to file reply to the application.

Reply, on behalf of respondent No.2 not filed. Further adjournment for this purpose is not justifiable and the right of respondent No.2, to file reply is closed by the order of the Court.

By way of the present application, a prayer has been made to condone the delay, as occurred, in filing the accompanying appeal, which, as per the application is 156 days and as per the report of the Registry, is delay of 171 days.

The delay has mainly been sought to be condoned on the ground of administrative exigencies in preferring the accompanying appeal, within the prescribed

period of limitation. The averments, as made, in the application, are duly supported by the affidavit of the Project Director, NHAI, which remain uncontroverted, as despite notice, today, no one has put appearance on behalf of respondent No.1, whereas, no reply has been filed on behalf of respondent No.2, despite opportunity granted.

In such situation, when the averments, as made in the application remain uncontroverted, this Court is of the view that liberal approach has to be adopted while dealing with the application, under Section 5 of the Limitation Act, as, the matter should be decided on merits and not on the basis of technicalities.

Considering all these facts, the application under consideration is allowed and the delay, as occurred, in filing the main appeal, is ordered to be condoned.

The application stands disposed of.

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Be registered.

Admit.

OMPST No.40570 of 2026

The application is considered and allowed. During the pendency of the appeal, the execution of the award dated 28.03.2024, passed in Case No.586/2018, by

the Divisional Commissioner, exercising the powers of Arbitrator under the National Highways Act, 1956, is ordered to be stayed, subject to deposit of the entire awarded amount, together with upto date interest, within a period of eight weeks. The application is disposed of. Modification/alteration/vacation on motion.

(Virender Singh)
Judge

July 17, 2026 (ps)