



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Road Transport and Highways)

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No. 11014/11/2016-HR-I

04.11.2016

POLICY MATTERS - (7.1.49/2016)

(Decision taken in file no. NHA/11013/LA/Court Case/(DJ)/UP/2016/FTS-33)

Sub: Delegation of power to CGM(LA) in respect of institution of legal proceedings or defending legal cases-reg.

Land is acquired by NHA under the provisions of National Highways Act, 1956. As per sub-section 6 of section 3G of NH Act, 1956, the provisions of Arbitration & Conciliation Act, 1996 shall apply to every arbitration under the NH Act, 1956, but subject to the provisions of NH Act, 1956. As per provisions in section 34 of the Arbitration & Conciliation Act, 1996, an appeal against an award by Arbitrator can be made to a Court defined under section 2(e) of the Arbitration & Conciliation Act, 1996. As per para-1(d) of NHA HQ's circular No. NHA/ 13/LA/Policy/2006 dated 06.09.2010, power to challenge arbitral awards in Courts lies with ROs. Further appeals in High Court can also be made under section 37 of the Arbitration & Conciliation Act, 1996. Land owners are also known to invoke the extraordinary writ jurisdiction of High Courts in some cases. The number of land acquisition cases before Courts have been increasing with the passage of time as more and more land is being acquired and the total length of NH with NHA is also increasing with the passage of time. As per NHA policy guidelines, vide circular No.11041/217/2007-Admn. dated 07.09.2009 {Policy Matters-Administration/ Finance (57/2009)}, Member(A) is the Competent Authority for approval of proposals for institution of legal proceedings or defending legal cases.

2. It has been decided with the approval of Competent Authority that henceforth, CGM (Land Acquisition) shall be the Competent Authority for approval of proposals for institution of legal proceedings or defending legal cases in Courts in respect of land acquisition matters, including cases in the State of Jammu & Kashmir where land is acquired under the J&K LA Act. However, as per para-1(d) of NHA's circular No. NHA/13/LA/Policy/2006 dated 06.09.2010, power to challenge arbitral awards in Courts shall continue to lie with ROs.

3. This issues with the approval of the Competent Authority.


(A.K. Sadhu)
CGM (Coord.)

To:

All Officers & Employees of HQ/ROs/ PIUs/ CMUs/ Site Offices