

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. FAO No.5766 of 2013 (O&M)
Date of decision : 15.10.2015

Project Director, National Highway Authority of India

...Appellant

Versus

Meena Mehta and ors.

...Respondents

2. FAO No.5767 of 2013 (O&M)
Date of decision : 15.10.2015

Project Director, National Highway Authority of India

...Appellant

Versus

Veena Mehta and ors.

...Respondents

3. FAO No.5768 of 2013 (O&M)
Date of decision : 15.10.2015

Project Director, National Highway Authority of India

...Appellant

Versus

Vinni Mehta and ors.

...Respondents

4. FAO No.5769 of 2013 (O&M)
Date of decision : 15.10.2015

Project Director, National Highway Authority of India

...Appellant

Versus

Sudesh Mehta and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Rajiv Kapoor, Advocate for the appellant.

Mr. B.B. Bagga, Advocate for respondent No.1.

AMIT RAWAL, J. (Oral)

This order of mine shall dispose of four FAOs bearing Nos.5766 of 2013 titled as Project Director, National Highway Authority of India Vs. Meena Mehta and ors., FAO No.5767 of 2013 titled as Project Director, National Highway Authority of India Vs. Veena Mehta and ors., FAO No.5768 of 2013 titled as Project Director, National Highway Authority of India Vs. Vinni Mehta and ors. & FAO No.5769 of 2013 titled as Project Director, National Highway Authority of India Vs. Sudesh Mehta and ors., as common questions of fact and law are involved.

The National Highway Authority of India is aggrieved against the impugned order dated 11.07.2013, whereby objection filed under Section 34 of the Arbitration and Conciliation Act (hereinafter to be referred as 'the Act') against the award dated 19.07.2010, has been dismissed.

Mr. Rajiv Kapoor, learned counsel appearing on behalf of appellant submits, that Objecting Court was enjoined upon obligation to deal with all the objections which according to him were within the parameters of Section 34 of the Act, but on cursory glance of the same, there is no application of mind while passing impugned order. He further drawn the attention of this Court to order dated 18.05.2013 passed by Coordinate Judge of Jalandhar, which has been attached as Annexure A-3. On juxta posing of the aforementioned order, it is verbatim of what has been observed by the Coordinate Court. Thus, the appellant has been deprived to statutory right of consideration.

Mr. B.B. Bagga, learned counsel appearing on behalf of respondent submits, that there is no illegality and perversity in the order under challenge. The award of the Arbitrator is most reasoned and fair, much less, in consonance with the provision of Section 31(3) of the Act.

I have heard learned counsel for parties and appraised the paper book.

On comparison of the order passed by the Coordinate Judge and vis-a-vis the impugned order, I am of the view that the tenor and mode of order is identical, much less, style. There is no change in full stop or coma. It appears that impugned order has been passed by applying the procedure of cut and paste. In my view, the Objecting Court is required to undertake an exercise of due application of mind. The manner and mode in which the objection has been dismissed is most mechanical and sketchy. The objections raised have not been dealt with individually and thus in my view it is fit case for remand.

In view of what has been noticed above, order dated 11.07.2013 is set aside. The matter is remitted back to the Objecting Court, Jalandhar to decide the objections afresh, in essence, the objection petition is restored to its original number.

The Objecting Court is directed to decide the objection as expeditiously as possible within a period of four months from the date of receipt of certified copy of the order in accordance with law.

It is expected that objections shall be dealt with in most pragmatic and legal manner, much less, in accordance with law.

Parties through their counsel are directed to appear before the Objecting Court on 16.11.2015.

Appeals are allowed.

15.10.2015

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**(AMIT RAWAL)
JUDGE**