

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

**FAO No.3762 of 2015 (O&M)
Date of Decision: May 26, 2015**

Union of India and another Appellants

vs.

Randhir Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. R.S. Madan, Advocate for the appellants.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Union of India has challenged the order dated 03.04.2015 passed by learned Addl. District Judge, Jalandhar, vide which in a petition under Section 34 of the Arbitration and Conciliation Act, 1996, for setting aside the award dated 26.05.2013 passed by the Commissioner, Jalandhar Division, Jalandhar was remanded back with a direction to decide afresh after taking into consideration all the aspects stipulated by Section 3-G of the National Highways Act, 1956. It was further directed that as the matter is quite old, the Arbitrator may resume the proceedings and pass an Award at the earliest.

Learned counsel for the appellants has not disputed the order of remand but it is stated that the case has been remanded

only on the ground that a general formula for enhancement of compensation was formulated which was made applicable to the similar nature of cases for enhancement of compensation.

The Court had further observed that the Arbitrator was required to decide the case individually by holding that what was the actual compensation awarded by the competent authority and thereafter considering the case of the petitioner pass a specific order for enhancement of compensation as per the facts of each case.

Learned counsel for the appellant contends that the evidence of both the parties is there and the matter should be decided by the Arbitrator and de novo proceedings should not be started.

A perusal of the impugned order shows that there is no reason that de novo proceedings should be started.

In these circumstances, it is observed that the Arbitrator may take into consideration the evidence of both the parties available on the file and if he thinks some more additional evidence is required for just decision of the case, then Arbitrator can call for the additional evidence of the parties and decide the just and fair compensation in each case.

With these observations, the present appeal is disposed of.

May 26, 2015
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(KULDIP SINGH)
JUDGE