

220

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

**FAO-4494-2013 (O&M)
Date of decision : 04.02.2016**

Bijender and others

...Appellants

Versus

D.R.O-cum-Land Acquisition Collector/Competent Authority under
National Highway Act, 1956 and another

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ashok Kaushik, Advocate
for the appellants.

None for the respondents.

1. Whether reporters of local papers 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?

AMIT RAWAL, J. (ORAL)

The appellants-landowners are aggrieved of the order dated 21.09.2012, whereby the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter called 'the 1996 Act') have been dismissed.

Mr. Ashok Kaushik, learned counsel appearing on behalf of the appellants-landowners submits that the landowners were not satisfied with the assessment of the compensation assessed by the

competent authority. The Arbitrator has upheld the finding rendered by the competent/assessing authority. Aggrieved with the same, the objections were filed. However, the same erroneously held to be against beyond the period of limitation and on this ground, objections have been dismissed. He submits that the Award dated 19.07.2010 passed by Mr. Sanjay Joon, HCS, Arbitrator-cum-Additional Deputy Commissioner Palwal has been set aside in Arbitration Case bearing No.3 of 2010, decided on 27.05.2011 by the Court of Mr. S.K. Garg, Additional District Judge, Palwal and after the remand of the matter, the Arbitrator has assessed the amount of compensation as more than what the competent authority had assessed, thus, the appellants being similarly situated landowners should also be heard and given the benefit of the assessment of compensation.

There is no representation on behalf of the respondents which fact has been noticed on 06.04.2015. The order reads thus:-

"FAO-4494-2013 (O&M)

BIJENDER & ORS V/S DRO CUM LAC & ORS

Present: None.

Respondent No.1 has not appeared despite service.

Respondent No.2 has refused to accept service. Proceeded ex parte.

Lower Court record received but the Arbitration proceedings not received.

Record of the Arbitration proceedings be summoned for 31.08.2015.

*(Kuldip Singh)
Judge"*

06.04.2015

Accordingly, I proceed to decide the appeal on merits.

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

Since, the Award dated 19.07.2010 passed by the Arbitrator upholding the compensation as assessed, has been set aside and the subsequent Award has come into being vide which the compensation has been enhanced. I am of the view that the landowners' right to seek enhancement has seriously been prejudiced, much less, been taken away.

In view of the peculiar facts and circumstances, the order of the Objecting Court and as well as the Award 19.07.2010 is set aside and the matter is remitted back to the Arbitrator to decide the controversy in terms of the Award dated 02.09.2015 passed in Petition No.1/2013, titled as **"Harpal (deceased) through LRs and others V/s State of Haryana and others"**.

The parties are directed to appear before the Arbitrator on 01.03.2016.

With the aforementioned observations, the appeal stands allowed.

04.02.2016
yogesh

(AMIT RAWAL)
JUDGE