

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO No.2355 of 2016 (O&M)

Date of decision:26.04.2016

Palwinder Singh

... Appellant

Vs.

Union of India and others

... 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. Naresh Kaushal, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant/land-owner is aggrieved of the order dated 03.12.2015 passed by the Objecting Court, whereby, the award of the Arbitrator, has been set aside and the matter has been remitted back.

Mr. Naresh Kaushal, learned counsel appearing on behalf of the appellant - land owner submits that matter in respect of the same very acquisition and village has already been decided by this Court, vide **order dated 08.02.2016 passed in FAO No.5429 of 2015 titled as Balwinder Singh and others vs. Union of India and others**, wherein, award of the Arbitrator has been upheld. Even otherwise, the objections were not falling within the realm of Section

34 of the Arbitration and Conciliation Act, 1996 (in short '1996 Act'). At the best, the land owner can be entitled to the benefits as per the provisions of Sections of Sections 23(2) and 28 of the land Acquisition (Amendment) Act, 1984 (hereinafter referred to as "1984 Act") and not under 23(1-A) and 34 of 1984 Act.

I am in agreement with the aforementioned submissions. The Objecting Court has exceeded the jurisdiction in entertaining the objections which do not fall within the realm of Section 34 of 1996 Act. Moreover, this Court had already upheld the award passed by the Arbitrator.

It is a matter of record that Objecting Court has not observed anything as to whether Arbitrator has failed to address certain claims, therefore, the matter could be remitted back. I am supported by the judgment of the Division Bench of Bombay High Court in **Geojit Financial Services Ltd vs. Kritika Nagpal**, decided on **25.06.2013**, wherein, by interpreting the provisions of Section 34 (4) of 1996 Act, it has been held that matter cannot be remitted at the drop of the hat, but only in such situation where any one of claims remain undecided. However, the instant case is not such kind of case.

In view of the aforementioned facts and circumstances, the impugned order is set aside and the award of the Arbitrator is upheld.

Accordingly, the appeal stands allowed.

The landowner shall be entitled to all the statutory benefits as per the provisions of Sections 23(2) and 28 of 1984 Act and in view of the judgment rendered by the Division Bench of this Court in **M/s Golden Iron and Steel Forging vs. Union of India and others 2011(4) RCR (Civil) 375.**

(AMIT RAWAL)
JUDGE

April 26, 2016
savita