

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

FAO No.2518 of 2016 (O&M)

Date of decision : 10.08.2016

Union of India and another

...Appellants

Versus

Shingara Singh 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. R.S. Madan, Advocate for the appellants.

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**AMIT RAWAL, J. (Oral)**

Union of India is aggrieved of the dismissal of the objections filed against the award dated 29.05.2013, whereby the amount of compensation of abadi land at the rate of Rs.1,66,000/- per marla has been awarded, whereas objections were filed on 03.10.2013 beyond the period of limitation.

Mr. R.S. Madan, learned counsel appearing on behalf of appellants submits that copy of the award was not supplied to the appellants and, therefore, there was no delay and the objection was filed on acquiring the knowledge of the award. Copy of the award was not delivered in terms of Section 31(5) of the Arbitration and Conciliation Act, 1996 and, therefore, were not aware of the award of the Arbitrator. In Objection

petition, reasoning assigned that the certified copy of the award dated 29.05.2013 was applied on 20.08.2013 and was delivered on the same day and the objection petition was filed on 03.10.2013 and, therefore, there is no limitation and objections were well within the time limit.

I have heard learned counsel for the appellants and appraised the paper book and of the view that no explanation has come forth in applying the certified copy of the award when the matter was reserved by the Arbitrator. The arbitrator, after remand, pronounced the award on 29.05.2013. It is not solitary case where the National Highway is not aware of the proceedings conducted by the Arbitrator in pursuance to the land acquired under the National Highway Act. I have come across with many cases where similar plea has been taken. The appellant cannot take the benefit of the provisions of the Act by protecting their own lackadaisical approach. No explanation has come forth as to why the period of three months elapsed from the date of award and date of applying the certified copy of the award. However on going through the award, it is evident that the appellant had contested the matter before the Arbitrator and appeared in many cases. Presence of the counsel representing the landowners and as well as of Union of India is evident. It cannot be expected that they remained oblivious of the finding of the Arbitrator and did not ascertain the outcome of the same.

Thus, after obtaining the certified copy, objection was filed on 03.10.2013.

I am of the view that objections were not falling within the objection under Section 34 of the Act and rightly had been dismissed.

It is now a settled law that as to under what circumstances the award has to be interfered with. The question which has now been raised in the aforementioned appeal has already been answered by the Hon'ble Supreme Court in catena of judgments, wherein, it has been laid down that until and unless the award suffers from illegality or for want of reasons as statutorily prescribed under Section 31 (3) of the Act, the same cannot be interfered with. In this context I intend to refer the judgments of Hon'ble Supreme Court in **Associate Builders Vs. Delhi Development Authority (2015) 3 SCC 49** and **Navodaya Mass Entertainment Ltd. Vs. J. M. Combines (2015) 5 SCC 698**. In the aforementioned judgment the Hon'ble Supreme Court had culled out the ratio decidendi by holding that until and unless there is error apparent on the face of record or the arbitrator has not followed statutory legal position, it is only in these circumstances it would be justified interfering with the award. The High Court should not act as a Court of appeal and reappraise the material/evidence and embarked on a path by substitution in its own view. It is not the case of the appellant that the award is against the public policy or has violated the principles of judicial approach, much less against the statute and other provisions of Section 34 of the Act.

The award read as a whole is just, fair and reasonable. It is now a settled law that the Arbitrator or Committee is the sole judge of quality and quantity of the evidence before him and decide on the basis of the available evidence.

In view of aforementioned observations, I do not find any illegality and perversity.

Dismissed.

**10.08.2016**

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**(AMIT RAWAL)  
JUDGE**

**Whether speaking/reasoned:-                      Yes**

**Whether reportable:-                                      Yes**