

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13613 of 2018 (O&M)

Date of Decision: 12.11.2018

Kimat Rai & Anr.

... Petitioners

VS.

Union of India & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Sunil Chadha, Sr.Advocate with
Mr. Saurav Kanojia, Advocate for the petitioners

Mr. RS Madan, Advocate for respondent No.2

Mr. Ayush Sarna, AAG Punjab

G.S. SANDHAWALIA, J. (Oral)

Mr. Chadha, senior counsel very fairly submits that the main relief as such has already been granted in as much as the amounts in terms of the award dated 26.04.2017 by the competent authority under the National Highway Act, 1956 has been received by them.

It is further submitted that as per the reply filed by respondent No.2 also, the statutory Arbitrator has also been appointed in May, 2018. The only request which is now being made is that the said Arbitrator who is the Commissioner, Patiala Division, Patiala – respondent No.4 be asked to decide the claim for enhancement within a fixed time frame.

On the other hand, Mr. Madan appearing for NHAI points out that the provisions of the Arbitration and Conciliation Act, 1996 would be applicable and refers to Section 29-A of the Act which provides that the award shall be made within a period of twelve months from the date the arbitral tribunal enters upon the reference. Reference is further made to sub-clause (3) of Section 29A of the Act to suggest that the period for making an award can

further be extended.

In such circumstances, this Court is loath to issue directions against the prescribed statutory period. Needless to say that the arbitrator shall keep in mind the provisions of Section 29A of the Act while deciding the claim for enhancement.

Petition stands disposed of.

12.11.2018

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(G.S. Sandhawalia)
Judge

- 1. Whether speaking/reasoned?*
- 2. Whether reportable?*

Yes
No