

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

115

CWP-6833-2019

Date of decision: 13.03.2019

Radhey Sham & another

....Petitioners

Versus

Union of India & others

...Respondents

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

Present: Mr.Rakesh Gupta, Advocate, for the petitioners.

G.S. SANDHAWALIA, J. (Oral)

Petitioner seeks quashing of the award dated 31.10.2014 (Annexure P-1) passed by respondent No.3, under Section 3G(1) of the National Highways Act, 1956 and for passing fresh award, in view of the guidelines dated 28.12.2017 (Annexure P-2).

As per Section 3G(5), if the amount determined by the Competent Authority is not acceptable to the parties, the same can be determined by the Arbitrator, appointed by the Central Government, on an application by either of the parties. Said sub-section reads as under:

“3G(5) If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.”

There is further a provision under Section 3G(6) that the provisions of Arbitration & Conciliation Act, 1996 shall apply to every arbitration. Thus, it is apparent that an efficacious remedy is provided under the Act itself as to the methodology to be followed in case the parties are not satisfied with the amount awarded.

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The Apex Court in **United Bank of India Vs. Satyawati Tandon & others (2010) 8 SCC 110** has held that where there is an alternative remedy available, as such, then the jurisdiction of the Writ Court is not to be invoked.

Faced with this situation, counsel does not press the present writ petition and prays for liberty to withdraw the same, to approach the statutory Arbitrator, for all the necessary reliefs.

Ordered accordingly.

13.03.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*