

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.13771 of 2019

Date of Decision: May 22, 2019

Baljit Kaur & others

...Petitioners

Versus

Union of India & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Manuj Nagrath, Advocate,
for the petitioners.

AMIT RAWAL, J. (Oral)

Petitioners, being land owners, invoked the jurisdiction of this Court under Articles 226/227 of the Constitution of India for appropriate directions to respondent No.3-The Commissioner, Jalandhar Division-cum-Arbitrator appointed under Section 3(G) of the National Highway Act for expediting the arbitration proceedings as after the pronouncement of the award by the competent authority, objection petition was preferred before the Principal Court. The Principal Court, vide order dated 01.06.2013, set-aside the award and remitted the matter to the arbitrator to decide the same within a period of six months.

Mr. Manuj Nagrath, learned counsel representing the petitioners has drawn the attention of this Court to Annexure P-3 (Colly), i.e., the zimni orders of the arbitrator reflecting the pendency of the proceedings and on some occasions the post of the arbitrator was lying vacant.

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

The directions issued by the Objecting Court in order dated 01.06.2013 read thus:-

“For the aforesaid reasons, the impugned order dated 23.10.2010, passed by the Arbitrator is set aside and the case is remitted back to the Commissioner, Jalandhar Division, Jalandhar-cum-Arbitrator for deciding it afresh in the light of observations given in this order. Arbitrator shall not be entitled for fresh fee from the parties. The Arbitrator is directed to reconsider and decide the case preferably within a period of 6 months from the date of receiving of the file. Record of the Arbitrator alongwith copy of this order be returned forthwith. Record of this court be consigned.”

On perusal of the zimni orders, it appears that the matter is pending adjudication since 2013 and no efforts have been made. A party cannot be deprived of the right of pendency of the litigation at the hands of the arbitrator and the National Highway Authority in such a manner as the element of interest is recurring day-by-day. State exchequer's money cannot be permitted to be squandered away by the respondents at the helm of affairs.

Accordingly, the writ petition is disposed of with a direction to respondent No.3 to expedite the hearing of the arbitration proceedings in case bearing No.M.A.05 of 2013 titled as “Baljit Kaur & others Versus Union of India & others” and decide the same within a period of four months from the date of receipt of certified copy of this order.

May 22, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No