

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

**CWP No.15990 of 2019 (O&M)
Date of Decision.31.05.2019**

Bhajan Singh and another

...Petitioners

Vs

Union of India and 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 01.08.2013, set aside the award and remitted the matter to the arbitrator to decide the same in accordance with law.

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 01.08.2013 read thus:-

“13. For the reasons recorded above, this Court has reached this conclusion that the petitioners were unable to present their case before the arbitrator and he infringed the principles of natural justice and fair play in not hearing the present petitioners and in presenting proper evidence/affidavits by them and hence the present petitioners were unable to present their case before him. The award passed by the arbitrator is vitiated under Section 34(2) (iii) of the Act and is not sustainable. The impugned award is hereby set aside by this Court and case is remitted to the arbitrator for providing due and proper opportunity of presenting the case to the present petitioners as well as the respondents, if need be by filing their requisite affidavits before it and then to pass the fresh award in accordance with law. The parties are directed to appear before the arbitrator on 23.8.2013. Necessary compliance be made by this office of returning the original file of the arbitrator along with copy of this judgment and file be consigned to returning the original file of the arbitrator alongwith copy of this judgment and file be consigned to record room.”

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.368 of 2013 titled as “Bachhittar Singh & 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.

(AMIT RAWAL)
JUDGE

May 31, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No