

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

**CWP No.15920 of 2019 (O&M)
Date of Decision.31.05.2019**

Mohinder Singh and others ...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 05.10.2013, 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 05.10.2013 read thus:-

“11. In view of my discussion as recorded above, by setting aside the impugned award dated 18.12.2010 in MA No.120 of 2009, the matter is remitted to the Arbitrator-cum-Commissioner Jalandhar Division, Jalandhar for fresh determination of the dispute after giving effective opportunities to the petitioners and respondents in turn so as to ensure the observance of principles of natural justice and the compliance of the necessary provisions of the law. The parties are directed to appear before the concerned Arbitrator at 10.00 a.m. on 29.10.2013. The record of the arbitral proceedings be sent forthwith to the arbitrator so as to reach there well before the date fixed. Memo of costs be prepared. The record of this Court be consigned to record room.”

On perusal of the zimni orders, it appears that the matter is pending adjudication since 2014 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 M.A. No.76 of 2012 titled as “Mohinder 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.

May 31, 2019
Pankaj*

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No