

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

**CWP No.15970 of 2019 (O&M)
Date of Decision.31.05.2019**

Harjinder Pal Singh

...Petitioner

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 10.04.2012, 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 10.04.2012 read thus:-

“13.The matter is remanded back to the arbitrator to make fresh award after taking into consideration all the aspects as stipulated by Section 3-G(7)(a) to (d) of Act. He is directed to resume the proceedings onwards after giving notice to the parties. The parties through their counsel are directed to appear before the arbitrator on 30.4.2012. However, it is made clear that this order shall not be considered damaging towards any of the parties on the aspect of enhancement of compensation. It would be open for the arbitrator to re-decide such matter as per above said observations. As the resumption of arbitration proceedings before the Arbitrator are ordered due to illegality in the award, the Arbitrator shall not be entitled for fresh fee from the parties. The arbitrator is directed to dispose of the matter within a period of 6 months from the date of receipt of file. File be consigned to the 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 M.A. No.97

of 2012 titled as “Harjinder Pal Singh 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