

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-19111-2019

Date of Decision: July 17, 2019

Nirmala Devi

... Petitioner

Versus

Union of India and others

... Respondents

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

Present: Mr. Rajiv Sharma and Mr. Sunil Kumar Mukhi, Advocates,
for the petitioner.

G.S. Sandhawalia, J. (Oral)

The challenge in the present writ petition is to the award passed by the Arbitrator appointed by the Central Government under Section 3(G) (5) of the National Highways Act, 1956. The Additional Deputy Commissioner, Sirsa allowed the petitioner benefit of solatium @ 100% in view of The Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The objections were as such partly allowed. Section 3G (5) and (6) of the National Highways Act, 1956 provides as under:-

“(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.

(6) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.”

It is, thus, apparent that under Section 34(2) of the Arbitration and Conciliation Act, 1996, the arbitral award is to be set aside by the Court. The “Court” has been defined under Section 2 (e) which is principal Civil Court of original jurisdiction of a District. Thus, there is an alternative remedy available to the petitioner.

Faced with this situation, counsel for the petitioner is not in a position to press the present petition and thus, prays for liberty to avail the alternative remedy.

The instant writ petition is, accordingly, disposed of as not pressed, with the aforesaid liberty to the petitioner in accordance with law.

July 17, 2019
vkd

(G.S. Sandhawalia)
Judge

Whether speaking / reasoned : Yes

Whether reportable : No