

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19292 of 2019
Date of Decision: 18.07.2019

Wazir Singh & Ors.

... Petitioners

VS.

NHAI & Ors.

... Respondents

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

Present: Mr. Sanchit Punia, Advocate for the petitioners

G.S. SANDHAWALIA, J. (Oral)

This writ petition under Articles 226/227 of the Constitution of India has been filed challenging the award of Statutory Arbitrator under the National Highways Act, 1956 dated 05.12.2017. The benefit of solatium and interest has been granted by the statutory Arbitrator but apart from that no further enhancement has been granted on the amount awarded by the LAC on 29.12.2011. The award is to be challenged as per the provisions of Section 3G (5) and (6) of the National Highways Act, 1956 which read 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.

18.07.2019*vvishal***(G.S. Sandhawalia)****Judge**

- 1. Whether speaking/reasoned?*
- 2. Whether reportable?*

Yes/No
Yes/No