

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

FAO-6369-2016 (O&M)

Date of decision: 07.05.2019

Gurdev Kumar

...Appellant

Versus

National Highway Authority of India and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. V.K. Gupta, Advocate,
for the appellant.

Mr. R.S. Madan, Advocate
for the respondent- NHAI.

JAISHREE THAKUR, J. (ORAL)

1. The appellant herein has approached this Court by way of the instant appeal for claiming enhancement of compensation awarded by the National Highway Authority of India.

2. In brief, the facts are that the land of the appellant was acquired for widening of a road by the National Highway Authority of India vide notification dated 30.04.2008, the competent authority assessed compensation payable at ₹ 30,000/- per marla which was challenged by the claimant before the Arbitrator, who enhanced the same to ₹ 75,000/- per marla. The National Highway Authority of India, aggrieved against the said enhancement filed objections under Section 34 of the Arbitration and Conciliation Act, 1996 before the District Judge, Rupnagar, which

objections were dismissed. However, the claimant without challenging the award of the Arbitrator and seeking an enhancement before the District Judge in objections under Section 34 of the Arbitration and Conciliation Act, 1996 has approached this Court directly by way of filing FAO. Faced with this, learned counsel for the appellant seeks to withdraw the instant appeal with liberty to approach the Court so concerned and be permitted to take the benefit of Section 14 of the Limitation Act, 1963.

3. Mr. R.S. Madan, learned counsel appearing on behalf of the National Highway Authority of India submits that the award of the Arbitrator was of the year 2011 and the appeal herein has been filed in the year 2016 and, therefore, he may be permitted to raise all objections regarding the maintainability of objections under Section 34 of the Arbitration and Conciliation Act, 1996 before the Arbitrator as well as oppose the application filed under Section 14 of the Limitation Act.

4. While allowing the appellant herein to withdraw the appeal, liberty is given to both the parties to raise all pleas / objections regarding maintainability and limitation before the Court who will decide in accordance with law.

Ordered accordingly.

07.05.2019

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.