

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

FAO No.6706 of 2016 (O&M)

Date of Decision.16.12.2019

Om Parkash

...Appellant

Vs

National Highway Authority of India and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Vikram Bali, Advocate
for the appellant.

Mr. D.K. Prajapati, Advocate for
Mr. R.S. Madan, Advocate
for respondent No.1.

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JAISHREE THAKUR J. (ORAL)

1. This is an appeal that has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act of 1996) seeking to challenge the inadequate amount of compensation as allowed by the Arbitrator for land acquired in village Kalyanpur, District Roopnagar by his award dated 22.03.2010.

2. Notice was issued and appearance has been caused on behalf of counsel appearing for the National Highway Authority of India, who raises a preliminary objection regarding very maintainability of the appeal under Section 37 of the Act of 1996. It is argued that without filing objections under Section 34 of the Act of 1996, the claimants have directly approached this Court by filing the present appeal. It is also argued that the appeal itself is time barred by a period of 799 days.

3. Faced with this situation, learned counsel appearing on behalf of the appellant seeks to withdraw the instant appeal with liberty to

approach the Court so concerned and be permitted to seek condonation of delay under Section 14 of the Limitation Act, 1963.

4. Learned counsel for the respondent has no objection to the withdrawal of the appeal, while contending that objections under Section 34 of the Act of 1996 and application under Section 14 of the Limitation Act, 1963 should be decided in accordance with law.

5. Ordered accordingly. The appeal stands disposed in above terms.

(JAISHREE THAKUR)
JUDGE

December 16, 2019

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No