

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

Sailesh Ranjan
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CWP-37819-2018

Date of decision: 16.01.2019

Het Ram & others

....Petitioners

Versus

National Highway Authority of India & others

...Respondents

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

Present: Mr.Vivek Khatri, Advocate, for the petitioners.

G.S. SANDHAWALIA, J. (Oral)

Prayer in the present writ petition is for quashing the order dated 04.05.2016 (Annexure P-2) passed by respondent No.4, the statutory Arbitrator, appointed by the Central Government under the National Highways Act, 1956.

Vide the said order, the reference petition has been dismissed and the petitioners seek the benefit of solatium and interest as per the judgment of the Division Bench in **M/s Golden Iron & Steel Forging Vs. Union of India & others 2011 (4) RCR (Civil) 375**. Needless the say that under Section 3-G(6), the provisions of the Arbitration & Conciliation Act, 1996 have to apply in every arbitration. In such circumstances, the petitioners have a remedy to approach the Civil Court of Original Jurisdiction against the award passed by the Arbitrator for the redressal of their grievances. This Court has been consistently relegating the landowners to their remedy, both before the statutory Arbitrator and to the Civil Court of Original Jurisdiction, in view of the law laid down by the Apex Court in **United Bank of India Vs. Satyawati Tondon and others, 2010 (8) SCC 110**.

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In such circumstances, merely because the petitioners' brother approached this Court and got directions in a writ petition for passing of supplementary award, this Court is of the opinion that for maintaining judicial discipline, it would be appropriate that the petitioners are also relegated to their remedy before the Civil Court of Original Jurisdiction. Not only the petitioners have a right, as such, to challenge the non-grant of the solatium and interest but they are also entitled to challenge the upholding of the market value @ Rs.25,00,000/- per acre, which the statutory Arbitrator has chosen not to enhance.

Faced with this situation, counsel does not press the present writ petition and prays for liberty to avail his alternative remedy before the Court of competent jurisdiction, in accordance with law.

Ordered accordingly.

16.01.2019

Sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No