



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.2947 of 2017

Parsanchand Chordia ... Appellant /Petitioner
by power agent
P.Dinesh Chand Chordia

Vs

1.The District Collector,
Namakkal.

2.The Competent Authority,
(District Revenue Officer,
Namakkal).

3.The Project Officer,
National Highways,
Authority of India,
Karur.

... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the order and decretal order dated 07.04.2017 passed in A.O.P.No.130 of 2014 on the file of the learned Principal District Judge, Namakkal.

For Appellant	: Mr.B.Arvind Srevatsa
For respondents 1 & 2	: Dr.S.Suriya, Government Advocate
For respondent 3	: M/s.P.Wilson Asso.

JUDGMENT

This Appeal has been filed under section 37 of the Arbitration and Conciliation Act challenging the order dated 07.04.2017 passed by the learned Principal District Judge, Namakkal dismissing the application filed under section 34 of the Arbitration and Conciliation Act, 1996 challenging the arbitral award dated 19.07.2013 passed by the first respondent under the National Highways Act.

2. The Appellant aggrieved by the arbitral award dated 19.07.2013 passed under the National Highways Act fixing the compensation for the acquired lands at Rs.180.06 per sq.m, has filed A.O.P.No.130 of 2014 before the learned Principal District Judge, Namakkal under section 34 of the Arbitration and Conciliation Act. By order dated 07.04.2017 passed in



A.O.P.No.130 of 2014, the learned Principal District Judge, Namakkal dismissed the application. Aggrieved by the same, this appeal has been filed by the Appellant under section 37 of the Arbitration and Conciliation Act, 1996.

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3. Learned counsel for the Appellant on instructions would now submit that the Appellant is satisfied with the arbitral award dated 19.07.2013 passed by the first respondent wherein the compensation has been fixed for the acquired lands at Rs.180.06 per sq.m.

4. It is also now well settled law as laid down in the latest decision of the Hon'ble Supreme Court in the case of Project Director vs. M.Hakeem and another reported in 2021 SCC Online SC 473 that an arbitral award cannot be modified by the Court exercising its power under section 34 of the Arbitration and Conciliation Act, 1996.

5. The learned Principal District Judge, Namakkal under the impugned order dated 07.04.2017 has dismissed the application filed by the Appellant under section 34 of the Arbitration and Conciliation Act, 1996 in A.O.P.No.130 of 2014.

6. Since the Appellant is satisfied with the arbitral award dated 19.07.2013 passed by the first respondent, there is no scope for interference with regard to the order dated 07.04.2017 passed by the learned Principal District Judge, Namakkal in A.O.P.No.130 of 2014. Accordingly, this civil miscellaneous appeal is dismissed. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District Judge, Namakkal.

Copy To

The Section Officer,
V.R. Section, High Court, Madras.

+1cc to Mr.P.Wilson Associates, Advocate, S.R.No. 50342

+1cc to the Special Government Pleader(CS), S.R.No. 50958

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PA(CO)

GN(12/10/2021)