

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

218

CWP-9425-2020 (O&M)

Date of decision: 25.08.2021

SANDEEP SINGH SODHI

..Petitioner

Versus

UNION OF INDIA AND ORS

..Respondents

CWP-9423-2020 (O&M)

SANDEEP SINGH SODHI

..Petitioner

Versus

UNION OF INDIA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arun Singla, Advocate for the petitioner.
Mr. Anil Mehta, Advocate for respondent No.1 and 2.
Ms. Kanica Sachdeva, AAG, Punjab.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

CM No.11566 of 2021 in CWP No.9425 of 2020

Allowed as prayed for. Reply of respondent No.2 is taken on record, subject to all just exceptions.

CM No.11562 of 2021 in CWP No.9423 of 2020

Allowed as prayed for. Status report of respondent No.2 is taken on record, subject to all just exceptions.

Main cases

By this order, CWP No.9423 and 9425 of 2020 filed by the petitioner shall stand disposed of. Late Sh. Mandeep Singh (brother of the petitioner) was the owner of certain piece of land which was acquired by the Central Government in the exercise of powers under the National Highways Act, 1956. The competent authority had announced the award on 19.12.2016.

Sh. Mandeep Singh was paid a sum of Rs.73,93,198/-. He filed CWP

No.15055 of 2017 which was disposed of by relegating the petitioner to the alternative remedy. The judgment passed by the learned Single Judge was challenged in LPA No.537 of 2018 which was permitted to be withdrawn. It is not in dispute that on the request of late Sh. Mandeep Singh, the matter was referred to the Arbitrator as provided under Section 3G(5) of the 1956 Act. Through the first writ petition, the petitioner prays for a direction to release the remaining payment as assessed by the competent authority. In the second petition, the petitioner prays for payment of damages/compensation for severance of the land.

As per the provisions of sub section 6 of Section 3G of the 1956 Act, once the matter is referred to the Arbitrator, the provisions of Arbitration and Conciliation Act, 1996, shall be applicable. In these circumstances, the Arbitrator, who has been statutorily appointed, is requested to look into the entire dispute. The Arbitrator has the power to pass interim orders in terms of Section 17 of the Arbitration and Conciliation Act, 1996. Both the parties also have a right to pray for interim direction by filing a petition under Section 9 of the Arbitration and Conciliation Act, 1996.

Keeping in view the aforesaid facts, the petitioner has more than one remedy. Hence, the petitions are disposed of by relegating the petitioner to the alternative remedy.

All the pending miscellaneous applications, if any, are also disposed of.

25.08.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE