

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 17204 of 2021

Date of Decision: 03.09.2021

Dinesh Kumar and Others

... Petitioner(s)

Versus

Union of India and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Jai Vir Yadav, Senior Advocate
with Ms. Pooja Yadav, Advocate
for the petitioner(s).

Mr. Samarth Sagar, Additional Advocate General,
Haryana, for respondent No.3 to 5.

Anil Kshetarpal, J.

1. Through this writ petition, the petitioners pray for setting aside the impugned award dated 23.01.2018, passed by the Arbitrator-cum-Additional Deputy Commissioner, Karnal, appointed by the Central Government in exercise of power under Section 3G(5) of the National Highways Act, 1956 (hereinafter referred to as “the 1956 Act”).

2. As per the allegations, the land of the petitioners was acquired vide an award dated 17.01.2011 under Section 3G(2) of the 1956 Act. The petitioners applied for a reference to the Arbitrator for determining the amount. The Arbitrator has now determined the amount. The petitioners claim that the amount determined is not sufficient and needs enhancement.

3. Sub-Section 6 of Section 3G of the 1956 Act is extracted as

under:-

“(6) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act”.

4. On a careful reading of sub Section 6 of Section 3G of the 1956 Act, it is apparent that the arbitration under the 1956 Act shall be governed by the provisions of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as “the 1996 Act”).

5. Section 34 of the 1996 Act enables a party to file objections regarding the award before the Court.

6. Hence, the petitioners have a statutory remedy under Section 34 of the 1996 Act read with sub Section 6 of Section 3G of the 1956 Act. In view thereof, the petitioners are relegated to the alternative remedy.

7. With the observations made above, the present writ petition is disposed of.

(Anil Kshetarpal)
Judge

September 03, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No