

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 7141 of 2020

Date of Decision: 05.04.2022

Sangeeta Devi

... Petitioner(s)

Versus

Union of India and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ashish Gupta, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. In view of the award, passed by the Arbitrator on 14.06.2016, in exercise of the powers conferred under the National Highways Act, 1956, read with the provisions of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as “the 1996 Act”), the petitioner claims that she is entitled to 70% of the solatium amount as she was paid only 30% solatium on the market value.

2. Section 36 of the 1996 Act provides for a mechanism to enforce the award passed, which has a force of decree. This Court in *Anu Garg alias Anu Jain v. Union of India and Others (Civil Writ Petition No. 10182 of 2021, decided on 14.07.2021)* and other connected cases, has held that when there is an arbitral award, which can be enforced under Section 36 of the 1996 Act, it would not be appropriate to enforce the decree through a writ petition under Article 226 of the Constitution of India.

3. In view of the above, the present writ petition is disposed of by relegating the petitioner to the alternative remedy.

(Anil Kshetarpal)
Judge

April 05, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No