

116 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-6903-2022 (O&M)
Date of decision: 02.04.2022

M/S D.M.S. EDUCATIONAL AND WELFARE TRUST NARWANA
....Petitioner

Versus

UNION OF INDIA AND ORS
....Respondents

CORAM: HON'BLE MR. JUSTICE ANILKSHETARPAL

Present: Mr. Munish Kumar Garg, Advocate
for the petitioner.

Mr. Harsh Vardhan, AAG, Haryana
for respondent No. 4 and 5.

ANIL KSHETARPAL, J (Oral):

The petitioner prays for issuance of writ in the nature of mandamus to direct the respondent No. 5 to conclude the arbitration proceedings in a time bound manner.

Pursuant to compulsory acquisition of the land under the National Highways Act, 1956, on the application of the petitioner, the matter was referred to the arbitrator under Section 3 G (5) of 1956 Act. The aforesaid matter is stated to be pending before the Deputy Commissioner of Jind, for the last six years. The Deputy Commissioner is exercising the powers of a statutory arbitrator. The provision for arbitration has been incorporated in order to get expeditious disposal of the matters. In these circumstances it is not appropriate for the arbitrator to delay the decision of such matters.

Mr. Harsh Vardhan, AAG, Haryana, appears for the arbitrator

and submits that the parties are not concluding their evidence. The

arbitrator is a master of his Tribunal and has all the powers to direct the parties to conclude their evidence expeditiously. In the humble opinion of this Court the delay on this account is not justified.

Without commenting on the merits of the case, the Deputy Commissioner-cum-Arbitrator, Jind is requested to conclude the arbitration proceedings within a period of four months, positively, from today.

Disposed of accordingly.

(ANIL KSHETARPAL)
JUDGE

02.04.2022
Monika

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |