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

CWP No.10907 of 2022

Date of Decision: 23.08.2022

GANESHI MAHAJAN AND ORS

.....Petitioners

Vs

UNION OF INDIA AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rajiv Atma Ram, Sr. Advocate with
Mr. Arjun Pratap Atma Ram, Advocate and
Mr. R.S. Kalra, Advocate
for the petitioners.

Mr. Himmat Singh Oberoi, Advocate
for the respondent No.1

Mr. Mahender Joshi, Advocate for
Mr. R.S. Madan, Advocate
for respondent No.2.

Mr. R.S. Pandher, Sr. D.A.G., Punjab
for respondent No.3.

RAJ MOHAN SINGH, J.(Oral)

Petitioners have preferred this writ petition for the issuance of an appropriate writ or direction especially in the nature of mandamus directing respondent No.3 i.e. The Commissioner-cum-Arbitrator, Jalandhar Division, National Highways Authority of India, Jalandhar to conclude the arbitration proceedings and to pass an appropriate order/award

in terms of Section 3-G of the National Highways Act, 1956 in compliance of order dated 29.10.2014 passed by the Addl. District Judge, Jalandhar remanding the case back to the Arbitrator for fresh decision within a period of six months.

Evidently while remanding the case, the Addl. District Judge, Jalandhar had given six months time for passing an arbitration award.

Grievance of the petitioners is that despite the remand order dated 29.10.2014, the arbitration proceedings have not been concluded so far. Reference has been made to the interlocutory orders passed by the Arbitrator-cum-Commissioner, Jalandhar Division, Jalandhar from 03.10.2019 onwards till 07.04.2021 showing, a very pathetic state of affairs. On 07.04.2021, the case was adjourned for arguments for 19.07.2021.

Learned Senior counsel for the petitioners submits that after 19.07.2021, the case was not taken up and till date no date has been fixed for further proceedings before the Arbitrator-cum-Commissioner, Jalandhar Division, Jalandhar.

In view of facts and circumstances of the case, I deem it appropriate to direct respondent No.3-The Commissioner-cum-Arbitrator, Jalandhar Division, National Highways Authority of India, Jalandhar to take up the pending arbitration

proceedings forthwith and make sincere endeavour to conclude the proceedings within a period of three months. In case of any legal impediment, respondent No.3 shall only adjourn the proceedings with the leave of the Court.

With the aforesaid direction, this writ petition is disposed of.

August 23, 2022

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No