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

CR No. 4190 of 2022

Date of Decision: 28.09.2022

Ravinder Pal Singh Lehal

-Petitioner

Versus

Executive Engineer and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Harsh Aggarwal, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

Perusal of the record would show that in the petition under Section 34 of Arbitration and Conciliation Act, 1996, an application was filed by Executive Engineer, NHD PWD Sangrur at Patiala on 08.08.2022 thereby seeking substitution of the Project Director, Urban Estate, Patiala as petitioner-objector and for deletion of name of Executive Engineer, NHD CWD (B&R) Sangrur at Patiala who was earlier Project Incharge on behalf of UOI as objector. Notice of the aforesaid application was issued vide order dated 08.08.2022 for 05.09.2022. On 05.09.2022, learned counsel for the petitioner- respondent No.3 and his brother before the Additional District Judge, Sangrur made the following statement:-

“We have no objections if the application filed by the petitioner i.e. Executive Engineer, National Highway Division, CWD (B&R), Sangrur at Patiala on 08.08.2022 be allowed.”

In view of statement made by learned counsel for present petitioner and his brother before the Additional District Judge, Sangrur, the application was allowed. Name of Executive Engineer, NHD PWD Sangrur at Patiala was substituted with NHAI as petitioner. Amended head note was ordered to be filed on 12.09.2022. On 12.09.2022, none appeared on behalf of NHAI who was recently substituted and therefore, the Court thought it appropriate to issue notice to the newly impleaded NHAI for 10.10.2022.

Petitioner has assailed the aforesaid orders dated 05.09.2022 and 12.09.2022 on the ground that the statement made by learned counsel for the petitioner as well as his brother Rajender Parshad was erroneous and was never intended to be made in the manner as recorded in the order.

It is a settled proposition of law that the order passed on consensus cannot be assailed further in appeal or revision. Only remedy lies before the same Court.

Faced with the situation, learned counsel for the petitioner wishes to withdraw the present petition with liberty to move an appropriate application before the Additional District Judge, Sangrur.

Dismissed as withdrawn with the liberty aforesaid.

Needless to say that in the event of filing such an application, the same shall be decided by the Additional District Judge, Sangrur strictly in accordance with law without being influenced by any statement of fact recorded hereinabove.

28.09.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No