

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CM-7862-CII of 2019 in/and
FAO No. 2450 of 2019 (O&M)
Date of decision: 12th May, 2023

Malhar Kaur and another

Appellants.

Versus

Union of India and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rohiteshwar Singh, Advocate for the appellants.
Ms. Amanjot Kaur, Advocate for Mr. B. S. Bhalla, Advocate
for the respondents.

AVNEESH JHINGAN, J (Oral):

1. This appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') is filed aggrieved of acceptance of objections under Section 34 of the Act filed by Union of India/NHAI. The appeal is accompanied by an application for condoning the delay of 936 days in filing thereof.

2. The brief facts are that land of the appellants situated in village Jandwal, Tehsil Mukerian, District Hoshiarpur was acquired for widening and four-laning of National Highway-1A. The arbitration proceedings initiated at the instance of the land owners culminated in award dated 22.3.2011. The objections filed by Union of India/NHAI were accepted on 12.7.2016 and award was set aside.

3. Learned counsel for the appellants submits that the appellants shall approach the concerned authority for initiation of fresh arbitration and

and directions be issued for time bound conclusion of proceedings.

4. Considering the restricted prayer and for the reasons mentioned in the application, the application is allowed and the delay in filing the appeal is condoned.

5. Without commenting on the merits of the case, the appeal is disposed of with the direction that in the eventuality of appellants approaching for initiation of fresh arbitration, considering that the acquisition is of the year 2004, the arbitrator with the cooperation of the parties shall make an earnest effort to conclude the proceedings expeditiously.

6. Since the main appeal has been disposed of, pending application, if any, is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

12th May, 2023
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1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No