

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 19th May, 2023

(1) FAO No. 2930 of 2019 (O&M)

Gurdev Singh (since deceased) through LRs and others
Appellants

Versus

Union of India and others
Respondents

(2) FAO No. 3459 of 2019 (O&M)

Amarjit Singh and another
Appellants

Versus

Union of India and others
Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S.P. Soi, Advocate for the appellants.
Mr. R. S. Madan, Advocate for NHAI/UOI.
Mr. Charanpreet Singh, AAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This order shall dispose of the above mentioned two appeals as the facts and issue involved are similar. For the sake of convenience, the facts are being taken from FAO-2930 of 2019.

2. This appeal is filed aggrieved of order dated 13.12.2010 allowing the objections filed by Union of India(UOI)/National Highway Authority of India (NHAI) and remanding the matter back. The appeal is accompanied by an application for condonation of delay of 2958 days.

3. Brief facts are that land of the applicant/appellant situated in village Cholang, Tehsil and District Jalandhar was acquired for widening of National Highway No.-1A (Jalandhar to Pathankot). The compensation was determined by the competent authority. Thereafter, the arbitration initiated at the instance of the appellants culminated in award dated 22.8.2009

4. The objections filed by UOI/NHAI under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') were allowed on 13.12.2010 and the matter was remanded to the arbitrator to decide afresh within four months. Aggrieved of decision the land owner is before this Court.

5. Learned counsel for the applicants/appellants submits that the matter was remanded in the year 2010 and in spite of the time bound direction, the proceedings have not concluded. He restricts his prayer that the arbitrator be directed to conclude the proceedings in a time bound manner.

6. Learned counsel for UOI/NHAI in view of the restricted prayer is not in a position to raise any substantial objection but opposes the prayer for condoning the delay.

7. The delay in filing appeal cannot be solely attributed to applicants. In spite of direction to pass award within four months, the proceedings have not even started. The applicants waited for outcome of remand proceedings and only then filed the present appeal. For the reasons mentioned in the application and in view of the restricted prayer made by learned counsel for the applicants-appellants, the delay is condoned.

8. It is not disputed by the parties that arbitrator has been

appointed. There is no doubt considering that the acquisition is of the year 2004, the arbitrator with the co-operation of the parties shall make an earnest effort to dispose of the arbitration proceedings in terms of the time frame stipulated under Section 29-A of the Act. The parties shall be at liberty to make a request before the Arbitrator for expeditious disposal.

9. Needless to say that parties would be at liberty to raise all legal issues at appropriate stage.
10. Appeals are accordingly disposed of.
11. Since the main cases have been decided, the pending application(s), if any is rendered infructuous.
12. Photocopy of this order be placed on the file of the connected case.

[AVNEESH JHINGAN]

JUDGE

19th May, 2023

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1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No