

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 23rd March, 2023

FAO-2731-2019 (O&M)

Ram Narayan and others ... Appellants

Versus

Union of India and others ... Respondents

FAO-2909-2019 (O&M)

Ratno Devi and others ... Appellants

Versus

Union of India and others ... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R.S. Manhas, Advocate and
Mr. Rohiteshwar Singh, Advocate for the appellants.

Mr. Harmeet Singh, Advocate for
Mr. Vikram Anand, Advocate for respondents No. 1 and 2.

Mr. Charanpreet Singh, AAG, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. Vide this common order the above mentioned appeals shall be disposed of. For the sake of convenience, the facts are being taken from FAO-2731 of 2019.

2. This appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') is filed aggrieved of order

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 1344 days in filing the appeal.

3. Brief facts are that land of the applicant/appellant situated in village Talwandi Kalan, District Hoshiarpur was acquired for widening of National Highway No.-1A (Jalandhar to Pathankot). The compensation was determined by the competent authority. The matter was referred for arbitration at the instance of land owners which culminated in arbitral award dated 18.6.2011.

4. The UOI/NHAI aggrieved of the award filed objections under Section 34 of the Act which were allowed and the matter was remanded back to the arbitrator to decide afresh expeditiously, preferably within three months. Aggrieved of decision, the land owners are before this Court.

5. Learned counsel for the applicants/appellants restricts his prayer that the direction be issued to arbitrator for time bound disposal of the arbitration proceedings.

6. In view of the restricted prayer, the delay in filing the appeal is condoned. It would not be out of place to mention that the delay cannot be solely attributed to applicants. In spite of direction to pass award afresh expeditiously, the proceedings have not even started till date. The applicants waited for outcome of remand proceedings and only then filed the present appeal.

8. With the consent of both the parties, the appeals are taken up on merits today itself.

9. 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 of the matter.

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

(AVNEESH JHINGAN)
JUDGE

23rd March, 2023
anuradha

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