

2023:PHHC:062480
FAO No. 4012 of 2019 and connected matter [1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 2nd May, 2023

(1)	FAO No. 4012 of 2019 (O&M)	
	Piar Chand and another	Appellants
	Versus	
	Government of India and others	Respondents
(2)	FAO No. 4515 of 2019 (O&M)	
	Nath Ram and others	Appellants
	Versus	
	Government of India and others	Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Manoj Kumar Pundir, Advocate for the appellants.
Mr. R. S. Madan, Advocate for NHAI.

AVNEESH JHINGAN, J (Oral):

1. The afore-mentioned two appeals are being disposed of by a common order as the issue raised and facts are similar.
2. The facts of FAO No. 4012 of 2019 are being considered.
3. This appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') is filed against the decision of objections filed under Section 34 of the Act. The appeal is accompanied by an application for condonation of delay of 2810 days in filing thereof.
4. The objections filed by National Highways Authority of India

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were allowed on 7.5.2011 and the matter was remanded back to the arbitrator to re-decide it within four months.

5. Learned counsel for the appellants restricts his prayer and submits that the arbitrator be directed to conclude the proceedings in a time bound manner. He further argued that his restricted prayer and issue of condonation of delay is covered by the decision of this Court in FAO No. 6004 of 2017 – *Kushal Singh v. Union of India and others*, decided on 10.3.2023.

6. Learned counsel for NHAI is not in a position to dispute the fact that after remand, the matter remained pending for almost eleven years and the similar issue was dealt with by this Court in *Kushal Singh's case (supra)*.

7. In view of the accepted factual position, the appeals are disposed of in terms of the order passed by this court in *Kushal Singh's case (supra)*.

8. Photocopy of the order be placed on the file of connected case.

[AVNEESH JHINGAN]
JUDGE

2nd May, 2023
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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No