

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-1565-2016 (O&M)

Date of Decision: 10th March, 2023

Sunil Kumar

... Appellant

Versus

Union of India and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.Angad Chahal, Advocate for the appellant.
Mr. R.S. Madan, Advocate with
Mr. Mahender Joshi, Advocate for the respondent-NHAI.

AVNEESH JHINGAN , J.(Oral)

1. This appeal is filed aggrieved of order dated 28.10.2015 allowing the objections filed by Union of India(UOI)/National Highway Authority of India (NHAI) and remanding the matter back.

2. Brief facts are that land of the appellant situated in village Daulatpur, District Pathankot was acquired for widening of National Highway No.-1A (Jalandhar to Pathankot). The compensation was determined by the competent authority. The issue with regard to the compensation to be awarded was referred for arbitration which culminated in award dated 26.6.2013.

3. The UOI/NHAI aggrieved of the award filed objections under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act'). The objections were allowed on 28.10.2015 and the matter was remanded back to the arbitrator. Aggrieved of decision the land owner is before this Court .

4. Learned counsel for the parties are *ad idem* that the issue with regard to the valuation of the land of the similarly situated land regarding the same acquisition pertaining to same village has attained finality as matter was decided by the Supreme Court and no dispute survives.
5. Learned counsel for UOI on instructions reiterates that there is no dispute with regard to the valuation of land. Submission is that the other issues are being contested.
6. At this stage, learned counsel for the appellant in view of the statement made by counsel for UOI with regard to the valuation of the land restricts his prayer that the arbitrator be directed to dispose of the proceedings in a time bound manner.
7. 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.
8. Needless to say that parties would be at liberty to raise all the legal issues at an appropriate stage.
9. Appeal is accordingly disposed of.
10. Since the main case has been decided, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

10th March, 2023

anuradha

Whether reasoned/speaking
Whether reportable

Yes/No

Yes/No