

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-7498-2015 (O&M)
Date of Decision: 10th March, 2023

Chanan Singh (deceased) through Legal representatives ...
Appellant

Versus

Union of India and another ... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.Saurabh Arora, Advocate for the appellant.
Mr. Ish Puneet Singh, Advocate
for the respondents No. 1 and 2.

AVNEESH JHINGAN , J.(Oral)

CM-23555-CII-2015

1. This is an application for condonation of delay of 43 days in re-filing the appeal.

2. For the reasons recorded in the application, the same is allowed and delay of 43 days in re-filing the appeal is condoned.

CM-23557-CII-2015

3. This is an application for condonation of delay of 154 days in filing the appeal.

4. For the reasons recorded in the application, the same is allowed and delay of 154 days in filing the appeal is condoned.

Main case

5. This appeal is filed aggrieved of order dated 25.9.2014 allowing the objections filed by Union of India/NHAI.

6. Brief facts are that land of the appellant situated in village

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 28.8.2009. Union of India/NHAI filed objections under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act'). The award was set aside vide order dated 23.10.2010 and the matter was remanded back. After remand, award dated 25.7.2011 was passed. Aggrieved of the award Union of India/NHAI filed objections under Section 34 of the Act which were allowed vide order dated 25.9.2014., aggrieved of decision the land owner is before this Court.

7. Learned counsel for the appellant submits that valuation of the similarly situated land regarding the same acquisition pertaining to same village has attained finality as matter was decided by the Supreme Court.

8. Learned counsel for Union of India on instructions is not disputing the factual aspect as contended by learned counsel for the appellant and submits that the issue of value of land is no longer in dispute. He submits that issue with regard to compensation awarded under other heads is contested.

9. At this stage, learned counsel for the appellant in view of the statement made by counsel for Union of India with regard to the valuation of the land restricts his prayer and submits that the appellant will avail remedies in accordance with law including fresh arbitration. The submission is that the arbitrator be directed to conclude arbitration in a time bound manner.

10. The Ld counsel for the parties are ad-idem that arbitrator has been appointed.

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

12. Needless to say that parties would be at liberty to raise all legal issues at an appropriate stage.

13. Appeal is accordingly disposed of.

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

(AVNEESH JHINGAN)
JUDGE

10th March, 2023

anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No