

FAO No. 1980 of 2017

[1]

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

FAO No. 1980 of 2017 (O&M)

Date of decision: 23rd February, 2023

Daljit Singh & another

Appellants

Versus

Union of India and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sunil Agnihotri, Advocate for the appellants.
Mr. Ish Puneet Singh, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

This appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') is filed aggrieved of acceptance of the objections of the respondents under Section 34 of the Act.

The brief facts are that land of the appellants at village Harshi Pind, Tehsil Dasuya, District Hoshiarpur was acquired for public purpose of widening and four laning of Jalandhar-Dasuya section of National Highway No. 1/A. Aggrieved of the compensation determined, claim was filed and arbitrator appointed. The arbitration proceedings culminated in award dated 17.3.2011. The respondents filed objections under Section 34 of the Act. The award was set aside on the ground that it was passed at the back of the respondents.

Learned counsel for the respondents after arguing for some time restricts the prayer that the appellants will move an application for

fresh arbitration and a direction be issued for time bound disposal.

The scope of interference under Section 37 of the Act is limited, no case is made out for interfering in the impugned order in view of the finding recorded that there was nothing on record to show that notice was served upon the respondents. Further that there was no power of attorney or authority letter in favour of the counsel whose presence was marked on behalf of the respondents.

There is no doubt that in the eventuality of appellants making a prayer for initiation of fresh arbitration, the arbitrator considering that the acquisition is of the year 2004 will make an endeavour for expeditious disposal of the case.

The appeal is disposed of.

[AVNEESH JHINGAN]
JUDGE

23rd February, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |