

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR-4726-2022 (O&M)

Date of decision: 18th April, 2023

National Highway Authority of India

...Petitioner

Versus

Kaushalaya Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. B.S. Toor, Advocate for the appellant.
Mr. Rajiv Godara, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

1. The present petition is filed aggrieved of the order passed by Additional District Judge disposing of the application under Section 36 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act').
2. The relevant facts are that land of respondent No. 1 (hereinafter referred to as 'the respondent') was acquired under the National Highways Act, 1956. The arbitration proceedings initiated at the instance of the respondent culminated in award dated 22.8.2019. The petitioner filed objections under Section 34 of the Act along with application under Section 36 of the Act. The application was disposed of on 26.7.2022. Operation of the award was stayed till the disposal of objections under Section 34 of the Act subject to deposit of the enhanced amount along with requisite interest within a period of four months. It was further ordered that the amount deposited shall be kept in FDR and will not be released to the land-owner till the disposal of objections under Section 34 of the Act.

3. Learned counsel for the petitioner submits that objections under Section 34 of the Act were dismissed for non-prosecution and an application for restoration is being filed.

4. Learned counsel for the respondent submits that objections as on date are not pending and there is no cause of action surviving for pursuing the present petition.

5. At this stage, learned counsel for the petitioner restricts his prayer that the time granted in order dated 26.7.2022 for deposit of the amount be extended.

6. In view of the restricted prayer, the petition is disposed of and the time granted vide impugned order is extended by three months from today.

7. There is no doubt that in the eventuality of petitioner's making a request before the court concerned for expeditious disposal of the objections under Section 34 of the 1996 Act, the same would be considered in accordance with law.

[AVNEESH JHINGAN]
JUDGE

18th April, 2023

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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No