

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

2023:PHHC:043653

FAO-5144-2017

Date of decision: 24th March, 2023

Union of India and another

...Appellants

Versus

Kulwant Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ishpuneet Singh, Advocate and
Mr. Mahender Joshi, Advocate for
Mr. R.S. Madan, Advocate for the appellants.
Mr. Umesh Kumar Kanwar, Advocate for respondent No.1.

AVNEESH JHINGAN, J (Oral):

1. This appeal is filed by Union of India/National Highway Authority of India (for short 'NHAI') aggrieved of dismissal of objections filed under Section 34 of Arbitration and Conciliation Act, 1996 (for short 'the Act').

2. Brief facts are that the land of respondent No.1 was 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 matter was referred for arbitration and the proceedings culminated in award dated 7th August, 2009. The objections under Section 34 of the Act filed by Union of India(UOI)/NHAI were allowed on 11th August, 2011, the matter was remanded back and thereafter award dated 9th May, 2013 was passed. The objections filed by UOI/NHAI were dismissed on 18th April, 2017. Hence, the present appeal.

3. 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 the matter was decided by this Court and the SLP was dismissed.

4. Ld Counsel for the respondent fairly submits that issue regarding value of land is no longer in dispute.
5. In view of the undisputed factual position the award dated 9th May, 2013 and impugned order dated 18th April, 2017 are set aside. The parties shall be at liberty to avail remedies in accordance with law including initiation of fresh arbitration.
6. In eventuality of any of the party seeking fresh arbitration, the arbitrator considering that the acquisition is of the year 2004 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.
7. Needless to say that parties would be at liberty to raise all legal issues at an appropriate stage.
8. Appeal is allowed.
9. In view of the fact that there is no dispute between the parties with regard to the valuation of land involved in the present appeal, the application filed for adducing additional evidence by Union of India has been rendered academic and accordingly dismissed.
10. Since the main case has been decided, the pending application(s), if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

24th March, 2023
Parveen Sharma