

FAO No. 7213 of 2017

[1]

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

FAO No.7213 of 2017 (O&M)

Date of decision: 17th March, 2023

Vidhaya Bhushan

Appellant

Versus

Union of India and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vishal Munjal, Advocate for the appellant.
Mr. R. S. Madan, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

1. This appeal under Section 37 of the Arbitration & Conciliation Act, 1996 (for short, 'the Act') is filed by land owner aggrieved of dismissal of objections filed under Section 34 of Arbitration and Conciliation Act, 1996.
2. Brief facts are that the 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 and the proceedings culminated in award dated 4.3.2015. The objections filed by Union of India/NHAI and land owners were dismissed on 1.8.2017, 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 per the decision of this Court in FAO 9678 of 2014, the Special Leave Petition against which was dismissed.
4. Learned counsel for the respondents on instructions vehemently opposes the appeal, however, fairly concedes that the issue with regard to valuation of land is no longer in existence.
5. In view of the undisputed factual position the award dated 4.3.2015 and impugned order dated 1.8.2017 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. Since the main case has been decided, the pending application(s), if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

17th March, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |