

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

CR-5353-2022

Date of decision: 22nd March, 2023

M/s R.K. and Co. Patran

...Petitioner

Versus

UOI and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Santosh Sharma, Advocate for the petitioner.
Mr. Abhilaksh Gaind, Advocate for respondent No.2.

AVNEESH JHINGAN, J (Oral):

1. This revision petition is filed aggrieved of order dated 21st September, 2022, whereby the application of the petitioner for spot inspection of the land was rejected.

2. The brief facts are that the land of the petitioner situated in village Attalan, Tehsil and District Patiala was acquired for development of National Expressway NE-5. The issue with regard to the compensation to be awarded was referred to the arbitrator. During the arbitration proceedings, the application under Section 17 and Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') was filed for spot inspection of the land in question which was dismissed on 21st September, 2022. Hence, the present revision petition.

3. Learned Senior counsel for the petitioner after arguing at some length restricts his prayer that the impugned order may not be treated as an impediment against the petitioner for invoking the right under the provisions of Act for leading evidence.

4. Learned counsel for the respondent raises a plea with regard to the maintainability of the petition stating that an appeal is maintainable. However, to cut short the controversy and to avoid further prolonging of the litigation, he is not pressing the said issue.

5. In the peculiar facts and circumstances of the present case and in view of the restricted prayer, the petition is disposed of, accordingly. It is clarified that the impugned order would not stand in the way of the petitioner for availing the remedies in accordance with the statutory provisions of the Act.

[AVNEESH JHINGAN]
JUDGE

22nd March, 2023
Parveen Sharma

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