

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

Date of Decision: 4th May, 2023

212 FAO-6417-2016 (O&M)

Jarnail Singh and others .. Appellants

Versus

Government of India and others ... Respondents

212-2 FAO-5833-2016 (O&M)

Gurbaksh Singh and another .. Appellants

Versus

Government of India and others ... Respondents

212-3 FAO-6116-2016 (O&M)

Gursharan Singh .. Appellant

Versus

Government of India and others ... Respondents

214 FAO-2749-2017 (O&M)

Gurdeep Singh .. Appellant

Versus

Union of India and others ... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.Raj Karan Singh Verka, Advocate and
 Mr. Satbir Rathore, Advocate for the appellant(s).

 Mr. R.S. Madan, Advocate and
 Mr. Ish Puneet Singh, Advocate for the respondents.

 Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. By this single order, the above mentioned two appeals are being disposed of as the issue and facts involved are similar. For the sake of convenience, the facts are being taken from FAO-6417-2016.

2. This appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short 'the 1996 Act') is filed aggrieved of order dated 3.3.2014 accepting the objections filed by the Union of India(UOI)/National Highway Authority of India (NHAI) and remanding the matter back. The appeal is accompanied by an application for condonation of delay of 859 days.

3. Brief facts are that land of the applicant/appellant situated in village Jhingran Kalan, Tehsil Dasuya, District Hoshiarpur was acquired for widening of National Highway No.-1A (Jalandhar to Pathankot). The arbitration proceedings initiated at the instance of the appellant, culminated in award dated 29.4.2011. The objections filed by UOI/NHAI under Section 34 of the 1996 Act were allowed on 3.3.2014 and the matter was remanded back for fresh decision.

4. Learned counsel for the applicant/appellant submits that after the remand, the matter is pending for last nine years. He restricts his prayer that the arbitrator be directed to decide the matter in a time bound manner.

5. Considering the facts of the case and in spite of vehement opposition of learned counsel for UOI for the reasons mentioned in the application the delay is condoned. It would not be out place to mention that the delay cannot be solely attributed to applicant. In spite of direction to pass award afresh, the arbitration proceedings have not concluded in

nine years. The applicant waited for outcome of remand proceedings and only then filed the present appeal.

6. It is not disputed by the parties that arbitrator has been appointed. There is no doubt, considering that the acquisition is of the year 2004, the arbitrator with the co-operation of the parties shall make an earnest effort to dispose of the arbitration proceedings expeditiously preferably within six months from the receipt of certified copy. The parties shall be at liberty to make a request before the Arbitrator for expeditious disposal.

7. Needless to say that parties would be at liberty to raise all legal issues at an appropriate stage.

8. Appeals are accordingly disposed of.

9. Since the main cases have been disposed of, the pending application(s), if any is rendered infructuous.

10. Photocopy of this order be placed on the file of the connected case(s).

(AVNEESH JHINGAN)
JUDGE

4th May, 2023
anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No