

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Date of decision: 12th May, 2023

1.

FAO-7918-2018 (O&M)

Sh. Jagjit Singh

Versus

.....Appellant
- Union of India and others

.....Respondents
2.

FAO-8232-2018 (O&M)

Bawa Singh (now deceased) through his LRs

Versus

.....Appellant
- Government of India and others

.....Respondents
3.

FAO-2445-2019 (O&M)

Sh. Shamsher Singh and others

Versus

.....Appellants
- Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rohiteshwar Singh, Advocate for the appellant(s).
Mr. Ishpuneet Singh, Advocate for UOI.
Ms.Amarjot Kaur, Advocate
for the respondent No.2 in FAO-2445-2019.

AVNEESH JHINGAN, J (Oral):

1.

This common order shall dispose of the above mentioned appeals as facts and issue involved are similar. For the sake of convenience, the facts are being taken from FAO-7918-2018.
2.

This appeal is filed aggrieved of orders dated 13.12.2011 allowing the objections filed by 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 2465 days in filing the appeal.

3. Brief facts are that land of the applicant/appellant situated in village Jandwal, Tehsil Mukerian, District Hoshiarpur was acquired for widening and four-laning of National Highway No.-1A (Jalandhar to Pathankot). The arbitration initiated at the instance of land owners culminated in award dated 24.12.2010.

4. The objections filed by UOI/NHAI under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') were allowed on 13.12.2011 and the matter was remanded to the arbitrator to decide afresh within four months. Aggrieved of decision, the land owner is before this Court. The appeal is accompanied by an application for condonation of delay of 2465 days in filing the appeal.

5. Learned counsel for the applicants/appellants submits that valuation of the similarly situated land regarding the same acquisition pertaining to the same village has attained finality as the matter was decided by the High Court. It is further argued that inspite of time bound direction, arbitration proceedings have not started yet.

6. Learned counsel for UOI on instructions is not disputing the factual aspect as contended by learned counsel for the appellants and submits that issue of value of land is no longer in dispute. The submission is that issue with regard to compensation awarded under other heads is contested.

7. Considering the facts of the case and also that the major issue regarding the valuation of the land is not in dispute, 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. Inspite of direction to pass award afresh within four months, the proceedings have not even started till date. The applicant waited for outcome of remand proceedings and only then filed the present appeal.

8. At this stage, learned counsel for the appellant in view of the statement made by counsel for UOI with regard to the valuation of the land restricts his prayer that the arbitrator be directed to dispose of the proceedings in a time bound manner.

9. 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 in terms of the time frame stipulated under Section 29-A of the Act. The parties shall be at liberty to make a request before the Arbitrator for expeditious disposal.

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

11. Appeals are accordingly disposed of.

12. Since the main cases have been decided, the pending application(s), if any is rendered infructuous.

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

[AVNEESH JHINGAN]
JUDGE

12th May, 2023
anuradha

1. Whether speaking/ reasoned
2. Whether reportable

:
:

Yes / No
Yes / No