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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25162-2024

Date of decision:-05.11.2024

Rajat Khanna and another

...Petitioners

Versus

Union of India and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Rajiv Atma Ram, Senior Advocate with
Mr.Vijay Pratap Singh, Advocate,
Mr.Balwan Singh, Advocate and
Ms.Shefali Bahia, Advocate
for the petitioners.

SUVIR SEHGAL, J.(ORAL)

1. Instant writ petition has been filed by the petitioners under Article 226 of the Constitution of India, *inter alia*, for issuance of a writ in the nature of mandamus directing respondent No.3 to decide the applications moved by the petitioners under Section 33 of the Arbitration and Conciliation Act, 1996 (for short "the Arbitration Act") as also application dated 19.04.2024, Annexure P7, under Order 6 Rule 17 CPC in a time bound manner.

2. Learned Senior counsel for the petitioners submits that the Commissioner – cum – Arbitrator, Jalandhar – respondent No.3 passed an award under Section 3 G of the National Highways Act, 1956 on

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09.10.2023, Annexure P4, but there were some errors in the award, which required rectification. He submits that both the above mentioned applications were moved before the Arbitrator within the statutory time period. By making a reference to the averments made in para No.16 of the writ petition, he submits that the applications have been adjourned as many as 13 times. It is his assertion that after notice was issued in the instant writ petition, two more hearings have taken place, but the applications are still pending.

3. Mr.Ishank Bansal, Advocate for Mr.Vibhor Bansal, Advocate has put in appearance on behalf of respondent No.1, Dr.Puneet Kaur Sekhon, Advocate and Mr.Ashish Verma, Advocate have put in appearance on behalf of respondent No.2 and have filed separate memo of appearance, which are taken on record. Ms.Amrita Garg, AAG, Punjab has put in appearance on behalf of respondents No.3 and 4.

4. Despite a specific direction, status report has not been filed. None of the counsel for the respondents have any instructions.

5. Learned Senior counsel has also made a reference to sub-section (2) and sub-section (6) of Section 33 of the Arbitration Act to submit that a specific time period has been laid down in the statute for the decision of an application filed under Section 33 of the Arbitration Act. However, the same is pending for the last more than one year.

6. Be that as it may, since the averments in the writ petition are undisputed, respondent No.3 is directed to conclude the hearing on both the applications and to decide the same within a period of two



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months from the date of communication of this order.

7. Writ petition is disposed of.

05.11.2024

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**(SUVIR SEHGAL)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No