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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-208-2026(O&M)
Date of Decision: 16.01.2026

ASHOK KUMAR GARG

....Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr.Amit Jhanji, Senior Advocate with
Mr. Mandeep Nagpal, Advocate, for the petitioner.

Mr. K.S. Kang, Advocate, for the respondent-NHAI.

Mr. Somesh Arora, Addl. A.G, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

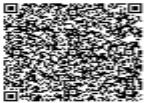
1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order/draft award dated 07.01.2025, whereby a draft award has been passed by De-Jure Arbitrator in a sealed cover, as the same has not been pronounced by the arbitrator within the mandated period as enshrined under Section 29A of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act'), with a further prayer to consider the same in the light of Section 29A of the Act.



2. Mr.Amit Jhanji, learned Senior Counsel for the petitioner with Mr. Mandeep Nagpal, learned counsel submitted that the Commissioner, Patiala Division, Patiala is a statutory authority to act as an Arbitrator under Section 3(G)(5) of the National Highways Act, 1956 and the matter remained pending before the earlier Arbitrator/Commissioner from the year 2022 but the same was never concluded by him and in fact, a writ petition was filed by the petitioner in which an interim order was passed vide Annexure P-14 dated 20.12.2024 that in the meantime, the passing of the final award shall remain stayed till the next date. Thereafter, the Arbitrator-cum-Commissioner, Patiala Division, Patiala vide order dated 07.01.2025 stated that the award has been drafted and put in a sealed cover and the same will not be pronounced in view of the aforesaid interim order passed by this Court. The aforesaid writ petition was thereafter dismissed as withdrawn with liberty to file a fresh petition vide Annexure P-16 dated 12.08.2025. He submitted that the aforesaid draft award is still in a sealed cover and that the Commissioner being statutory Arbitrator is required to hear the parties and pass a final award in accordance with law.

3. At this stage, Mr. K.S. Kang, learned counsel for the respondent-NHAI submitted that he has sought specific instructions to state that it will be in the interest of justice if the new incumbent, who is the Arbitrator-cum-Commissioner, hears the final arguments of the case and pass an award in accordance with law, as the order dated 07.01.2025 was passed by the earlier Arbitrator, who has since demitted the office.

4. Mr. Somesh Arora, learned Additional Advocate General, Punjab has submitted that it will be in the interest of justice in case the new



incumbent, who is the Arbitrator-cum-Commissioner, passes an award after hearing both the parties in accordance with law.

5. After hearing the learned counsels for the parties, this Court is of the considered view that since all the learned counsels for the parties are *ad idem* that considering the peculiar facts and circumstances whereby the statutory Arbitrator who is the Commissioner has now changed, whereas the earlier Arbitrator has kept the draft award in a sealed cover, it will be in the interest of justice to direct the learned Arbitrator-cum-Commissioner to pass the award in accordance with law after hearing all the parties. Till the time the award is passed, the draft award which was kept in a sealed cover shall not be opened.

6. In view of the above, the present petition stands disposed of.

16.01.2026

(JASGURPREET SINGH PURI)

rakesh

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No