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

**FAO-1800-2017 (O&M)  
Date of Decision: 30.04.2025**

UNION OF INDIA AND ANOTHER

..... APPELLANTS

VERSUS

JAGJIT SINGH AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: None for the appellants.

Mr. Daljit Singh Kahlon, Advocate  
for the respondents.

**TRIBHUVAN DAHIYA, J. (ORAL)**

The appeal has been filed for setting aside the judgment passed by learned Additional District Judge, Jalandhar, dated 18.10.2016, whereby the petition under Section 34 of the Arbitration and Conciliation Act, 1996, (for short, 'the Arbitration Act') filed by the petitioners against the arbitral award, dated 25.07.2011, has been dismissed.

2. As per the facts apparent on record, in brief, land measuring 2 kanals 3 marlas belonging to respondents no. 1 to 11 comprising  *khasra* no. 11//6/1 situated in Village Islampur, Tehsil Pathankot, District Gurdaspur was acquired for public purpose of widening and four laning Jalandhar-Pathankot section of National Highway No. 1/A. Notification under Section 3(a) of the National Highways Act, 1956 was published for this purpose in the Gazette of India on 19.09.2006. Claims from the interested persons were



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invited vide a public notice for assessing the compensation payable. And vide award dated 25.07.2011, the respondents/landowners were paid compensation for the acquired land as well as the structures etc. The award was not challenged by the respondents; but the petitioners filed objection petition under Section 34 of the Arbitration Act which was dismissed by learned Additional District Judge, Jalandhar, vide impugned judgment, dated 18.10.2016, by observing as under:

14. The next point agitated before this court challenging the award is that the arbitrator has ignored the provisions of section 143 of PUDA Act 1995 and Section 3 of Punjab Scheduled Roads and Controlled Area Restriction of Un-regulated Development Act, 1963. The above acts regulate the constructions around the scheduled roads within the defined area and within the requisite parameters and the compensation ought to have been reduced keeping in view the scale/parameter provided in the said act. This court is unable to accede to this submission of petitioners as these provisions would not stand in a way of arbitrator in assessing the market value of the acquired land.

15. One of the main point vehemently argued by the learned counsel for the petitioners is that the enhancement of the compensation by learned Arbitrator is exorbitant, excessive and the award was passed without adopting any legal procedure, therefore, the same is liable to be set aside.

16. It is now a settled law that the Arbitrator is the sole judge of quality and quantity of the evidence before him and decide on the basis of available evidence. The Hon'ble Supreme Court in catena of judgments has held that unless and until the award suffers from illegality or there is error apparent on the face of record or for want of reason as statutorily prescribed under section 31(3) of the Arbitration and Conciliation Act, the same



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cannot be interfered with. In the present case, a perusal of the record reveals that due notice was served to the petitioners/respondents, they appeared through their counsel Sh. Karan Seth, Advocate who filed reply. The Arbitrator for the purpose of determining of the amount of compensation also visited the spot. Thereafter, issues were framed and on each of the issue categoric finding has been given after considering the material/evidence on the record. The Arbitrator after giving reasons for enhancement of the compensation has passed the present award. Thus, the award under challenge was passed by the Arbitrator after giving full and adequate opportunities of hearing to the parties and parties led their respective evidence in detail before the Arbitrator. Thereafter, the speaking order has been passed after following due procedure and no fault could be pointed out by the petitioners in the procedure adopted or the capacity of the Arbitrator. Therefore, I do not find any illegality or perversity in the order as the objections against the award were not falling within realm of section 34 of the Act.

3. The view taken in the impugned judgment does not suffer from any error of law. It has been passed on correct appreciation of facts and is well reasoned.

4. Accordingly, the petition stands dismissed.

5. Pending miscellaneous application(s), if any, shall also stand(s) disposed of.

**(TRIBHUVAN DAHIYA)**  
**JUDGE**

30.04.2025

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*Whether speaking/reasoned*      *Yes/No*

*Whether reportable*              *Yes/No*