

IN THE COURT OF MAHAVIR SINGH
ADDITIONAL DISTRICT JUDGE, KURUKSHETRA
(UID:HR0141)



CNR No.HRKU010023082019

CIS Arbitration No.9 of 2019

Date of Institution : 23.01.2019/29.10.2025

Date of Decision : 10.08.2026

1. Gehal Singh aged about 62 years
 2. Manjeet Singh aged about 60 years
 3. Joga Singh aged about 58 years son of Mohinder Singh
- All residents of village Talheri, Tehsil Pehowa, District Kurukshetra.

....Applicants/Petitioners

Versus

1. Union of India through Secretary, Government of India, New Delhi (Ministry of Road and Transportation).
2. Land Acquisition Collector, National Highway, Model Town Ambala.
3. National Highway Authority, through its Secretary, New Delhi.

...Respondents

Petition under section 34 of The Arbitration and Conciliation Act, 1996 for setting aside the Award dated 03.12.2018.

Argued by: Shri G. S. Sandhu, counsel for the applicants/petitioners.
Shri J. S. Rathore, Counsel for respondents No.2 and 3.
Respondent no.1 proceeded against exparte vide order dated 29.07.2021.

(Mahavir Singh)
Additional District Judge
Kurukshetra.(UID:HR0141)
10.08.2026

JUDGMENT:

The present petition under section 34 of The Arbitration and Conciliation Act, 1996 has been filed by petitioner/objector against the award dated 03.12.2018 passed by Shri Anish Yadav, IAS, Additional Deputy Commissioner-cum-Arbitrator appointed under section 3G(5) of National Highway Act, 1956, Kurukshetra, vide which the petition filed by the petitioner was dismissed.

2. The notice of the aforesaid petition was issued to respondents of the petition and respondents appeared through their learned counsel and learned Government Pleader. Arbitral record has also been requisitioned.

3. The petitioners filed a petition before Arbitrator for enhancement of compensation awarded by DRO alongwith consequential benefits and interest from due date till payment.

4. Briefly, it is the petitioners' case that they are owners in possession of the land as mentioned in their petitions. The land of the petitioners have been acquired for Building (widening, four laning Ors.) maintenance management and operation of National Highway-65. The respondents published notification under section 3(A) and 3(D) of the Act and the petitioners appeared before DRO and claimed that the market value of their acquired land is not less than ₹3 Crore but the DRO illegally declined their request and passed the award in question. They

further pleaded that the award passed by the DRO was unfair, baseless and unreasonable because the said land is adjoining the National Highway and both sides of the said highway are running many commercial activities like factories, petrol pump, cold storage, shellers, marriage palace, commercial shops, dhabas/hotels etc. since long and the said land had very high potential commercial value. They had further pleaded that the DRO did not consider these facts in impugned award and awarded simple ₹30 lakh per acre which is much less than the market value. Hence, petition was filed before learned Arbitrator seeking enhancement of compensation.

5. The respondents contested the said petition. DRO filed written submissions that the written statement submitted by the National Highway may be considered on their behalf as well as on behalf of Collector, Kurukshetra also. The National Highway Authority of India (for short NHAI) filed written statement on their behalf as well as on behalf of Union of India wherein preliminary objections/submissions regarding maintainability and estoppel were taken. On merits, it was submitted by the NHAI that the award was passed by the DRO after considering all the facts in accordance with the provision of section 3G (7) of the Act. The land had been acquired for widening the road in village Tikri and the value of such acquired land was not more than the award announced by the DRO, Kurukshetra. NHAI further submitted that

without prior permission of the Government the landlord cannot change its nature of use. The petitioners failed to raise any objection and did not move any representation before the competent authority at the time of acquisition of land. Rest of the contents of the petition were also denied and a prayer was made for dismissal of the petition.

6. Replication controverting the pleas taken by the respondents in their written statement and reiterating the pleas taken in the petition, was filed. The petitioners reasserted their claim and prayed that petition be allowed in their favour.

7. After considering the facts that all the three cases had been filed against Award no.7 dated 23.12.2014 of village Tikri and law points involved in all cases were same, learned Arbitrator ordered vide order dated 19.03.2018 passed by his learned predecessor, those cases were consolidated in main case no.414 titled as 'Mangat Ram Vs. Union of India & Ors.' From the pleadings of the parties, following issues were framed by the learned Arbitrator:

1.	<i>Whether the petitioners are entitled for any enhancement of compensation? OPP</i>
2.	<i>Whether the claim petitions are not maintainable and time barred? OPR</i>
3.	<i>Relief.</i>

8. Both the parties led their respective oral and documentary evidence to prove their case. To prove their case, the petitioners examined Manjeet Singh as PW1. The petitioners also relied upon the following documents:-

Ex.P1	Jamabandi for the year 2013-14
Ex.P2	Copy of award

9. On the other hand, respondents did not lead any oral evidence. Thereafter, the evidence of defendants was closed by court order. DRO, Kurukshetra placed on record a letter mentioning therein that the evidence/arguments advanced by the learned counsel for NHAI may be read on their behalf as well as on behalf of respondents/Deputy Commissioner, Kurukshetra. The respondents relied upon the following documents:-

Ex.R1	Copy of sale deed No.5245 dated 01.03.2013 of village Tikri
Ex.R2	Copy of sale deed No.1537 dated 01.07.2014 of village Tikri
Ex.R3 to Ex.R7	Copies of Awards of District Kaithal
Ex.R8 to Ex.R16	Copies of letter of NHAI

10. After hearing arguments and appreciating the entire evidence led by parties, the learned Arbitrator *awarded (₹30 lakh per acre, solatium @30% and additional amount @12%) as detailed below for all kind of lands to the aggrieved land owners of village Tikri :-*

1.	Compensation of land	₹1,28,06,250/-
2.	CAC @ 30%	₹28,40,875/-
3.	Additional amount @12%	₹24,45,099/-
Total		₹1,93,93,224/-

11. The applicants/petitioners (claimants before the learned arbitrator) have challenged the aforesaid award dated 03.12.2018 passed by the learned sole Arbitrator by filing the present petition under Section 34 of the Act mainly on the following grounds:

- (a) The award passed by the learned sole arbitrator is in contravention with the fundamental policy of Indian Law and suffers from patent illegality.
- (b) The petitioners are also entitled to 100% solatium.
- (c) Further vide notification dated 09.02.2016, central government notified that in case of rural areas, the factor by which the market value is to be multiplied shall be 2.00 (two) but it has not been done. The claimants/petitioners were also entitled to 100% solatium as provided in the National Highways Act and the schedules of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as ‘ RFCTLARR Act’) but the same has also not

been provided to the claimants as only 30% solatium has been awarded to them.

- (d) Similarly, the higher price of similar situated land of same quality has also been denied by the competent authority and these points were not considered by the Id. Arbitrator also.

12. Accordingly, it has been prayed that the impugned award passed by the learned arbitrator be set aside by accepting the aforesaid petition.

13. Notice of the petition was issued to the respondents. The respondents no.2 and 3 appeared and contested the petition, whereas, none had appeared on behalf of respondent no.1 and so it was proceeded against exparte vide order dated 29.07.2021.

14. The present petition has been contested by respondents no.2 and 3 by filing a reply-cum-written statement in which similar stand has been taken as in the statement of defence filed on their behalf. Preliminary objections have been raised regarding maintainability of the petition; mis-joinder and non-joinder of necessary parties; cause of action and the main claim being barred by limitation; etc.

15. On merits, the factual averments relating to acquiring land for the purpose of widening/construction, 4 lanning, etc. of NH-65 (Ambala-Kaithal section) of the petitioners/claimants and subsequent raising of dispute between the parties, referring of the same to the learned

arbitrator and subsequent passing of the impugned award being assailed by the petitioners/claimants in the present petition have been admitted. The other factual averments made in the objection petition relating to the factual aspects of the dispute have been denied being incorrect and those taken in the statement of defence filed on behalf of respondents have been reiterated being correct. The same have not been reproduced for the sake of brevity and to avoid repetition.

16. All the grounds for challenging the award dated 03.12.2018 passed by the learned sole arbitrator as pleaded in para 6 of the objection petition have been denied being wrong and incorrect. It has been pleaded that the grounds and plea taken by the petitioners for challenging the impugned award are totally wrong, illegal and not sustainable in the eyes of law. It is also denied that the award under challenge is in contravention of fundamental policy of Indian law or the same is unreasonable, unfair and suffers from any other patent illegality. There is no manifest error or any other ground to assail the award under challenge. Accordingly, it has been prayed that the objection petition filed by the petitioners be dismissed.

17. I have heard learned counsel for the parties and have gone through the record of these cases carefully.

18. Learned counsel for the petitioners has argued that the petitioners have challenged the impugned award mainly on the grounds

that the Id. Arbitrator erred in upholding the land acquisition award passed by DRO/competent authority vide which he did not appreciate the evidence led by the petitioners and the arguments advanced on their behalf correctly. Elaborating his arguments Id. counsel for the petitioners has argued that the competent authority had not considered the sale deeds and award of the adjacent land and of the land of adjacent village without any reason. Further as per RFCTLARR Act 2013 factor of two has not been granted as provided in column no.3 at serial no.2 of the First Schedule. So the impugned award passed by Id. Arbitrator is liable to be set aside as the common award relates to land of same village and the petitioners be granted relief by giving factor of two instead of factor of one and also increase the value assessed of their land equivalent to that provided for the land of adjacent villages by allowing application for leading additional evidence for assessing the value of acquired land property by providing true market value of the same at the time of issuance of notice u/s 3G(5) of National Highway Act, 1956. All these points were raised before Id. Arbitrator but he mechanically upheld the award passed by DRO without going into the merits of their claim. Thus the impugned award passed by Id. Arbitrator is patently illegal and the illegality in these awards has gone to the root of the case. Id. counsel for the petitioners has further argued that Id. Arbitrator has erred in awarding 30% solatium even though in other cases relating to same village Tikri the

competent authority i.e. DRO has granted solatium @100% and no reason has been given why the solatium has been given at a lesser rate to them. In fact in subsequent awards passed by Id. Arbitrator in other cases the solatium has been increased from 30 to 100% by increasing the solatium amount by 70%. Regarding it reliance can be placed on award dated 13.10.2023 passed by the then DC-cum-Arbitrator Kurukshetra. Similar is the factual position in the case in hand so the impugned award is perverse by ignoring the relevant evidence on file and applicable statutory provisions. So, learned counsel has argued that the impugned award passed by the learned sole arbitrator is patently illegal, suffers from material illegality going to root of the case and the same is against the fundamental principles of laws against the provisions of law and law as laid down by the Hon'ble High Court and Hon'ble Supreme Court. Accordingly, learned counsel for the petitioners has prayed for accepting the petition by setting aside the impugned award. In support of his contentions, learned counsel for petitioners has placed reliance upon law as laid down in *Rita Kalra Vs. Competent Authority, NH-2-cum-Land Acquisition Officer, Faridabad and others CWP-11501 of 2018 (O&M) decided on 15.07.2025 (P&H).*

19. On the other hand, learned counsel for respondents no.2 and 3 has argued that the present petition is under section 34 of the Arbitration and Conciliation Act and is not appeal under CPC. As per settled legal

position, the scope of interference under Section 34 of the Act by this court is very limited as this court does not act as an appellate court nor it can re-appreciate the evidence. Even if there is some error in the award and two views are possible still this court cannot interfere with the award under challenge. In the case in hand, learned arbitrator has appreciated the dispute by considering all the facts correctly as per pleadings of the parties and by examining the evidence led before him in the light of applicable law by following the same. No patent illegality has been shown by the petitioners in the impugned award. The Arbitrator is master of the quality and quantity of evidence led before him and this court cannot go into the said aspect and cannot re-appreciate the evidence led before Id. Arbitrator. The petitioners have failed to show any patent illegality in the impugned award as the petitioners did not raise these pleas before Id. Arbitrator nor there is any violation of RFCTLARR Act, 2013 as alleged. Accordingly, he has prayed for dismissing the petition. In support of his contentions, learned counsel for respondents no.2 and 3 has placed reliance upon law as laid down in *Gopa Ram Vs. Union of India (Rajasthan), S.B. Civil Writ Petition No.12746 of 2017, S.B. Civil Writ Petition No. 10539 of 2017, S.B. Civil Writ Petition No. 10540 of 2017, S.B. Civil Writ Petition No. 10541 of 2017, S.B. Civil Writ Petition No. 10543 of 2017, S.B. Civil Writ Petition No. 11533 of 2017, S.B. Civil Writ Petition No. 12793 of 2017, S.B. Civil Writ Petition No. 13981 of*

2017, S.B. Civil Writ Petition No. 13982 of 2017, S.B. Civil Writ Petition No. 14631 of 2017, S.B. Civil Writ Petition No. 14639 of 2017, S.B. Civil Writ Petition No. 14641 of 2017, S.B. Civil Writ Petition No. 15440 of 2017, and S.B. Civil Writ Petition No. 15441 of 2017, decided on 22.01.2018; and National Highway Authority of India Vs. Balwinder Singh and others, (Arising out of impugned final judgment and order dated 20-04-2023 in FAO No.1078/2022 20-04-2023 in FAO No. 1208/2022 20-04-2023 in FAO No.1206/2022 20-04-2023 in FAO No.1197/2022 20-04-2023 in FAO No.617/2022 20-04-2023 in FAO No.616/2022 20-04-2023 in FAO No.608/2022 20-04-2023 in FAO No.569/2022 20-04-2023 in FAO No.3012/2022 20-04-2023 in FAO No.3018/2022 20-04-2023 in FAO No.3013/2022 20-04-2023 in FAO No.3014/2022 20-04-2023 in FAO No.3015/2022 20-04-2023 in FAO No.3024/2022 20-04-2023 in FAO No.3017/2022 20-04-2023 in FAO No.3026/2022 20-04-2023 in FAO No.3030/2022 20-04-2023 in FAO No. 3032/2022 20-04-2023 in FAO No.3034/2022 20-04-2023 in FAO No.3036/2022 20-04-2023 in FAO No.3038/2022 20-04-2023 in FAO No.3041/2022 20-04-2023 in FAO No.3042/2022 20-04-2023 in FAO No. 3044/2022 20-04-2023 in FAO No.3045/2022 20-04-2023 in FAO No.3046/2022 20-04-2023 in FAO No.3047/2022 20-04-2023 in FAO No.3048/2022 20-04-2023 in FAO No. 3049/2022 20-04-2023 in FAO No. 3050/2022 20-04-2023 in FAO No.3054/2022 20-04-2023 in FAO

No. 3055/2022 passed by the High Court Of Punjab & Haryana At Chandigarh), order dated 08.01.2024 (SC).

20. Before considering rival contentions as discussed above, the same will be considered in the light of various judicial pronouncements on the scope of interference by the court under Section 34 of the Act. It is settled law that the wordings used in section 34 of the Act are exhaustive and imperative and a court can set aside the arbitral award on one or more of the grounds specified and the court does not bear jurisdiction to set aside the award on any other ground. It is also settled law of land that the arbitral award of the arbitrator who is a chosen judge of facts and of law between the parties cannot be set aside unless an error is apparent on the face of the award or it can be inferred from the award that the arbitrator has misconducted himself or the proceedings or that he has not applied his mind to the material facts. The court is neither sitting in appeal on the award, nor can it re-assess or re-examine the material which was adduced before the learned arbitrator while hearing a petition under Section 34 of the Act. The court cannot examine the correctness of the award on merits. Unless the court concludes that the award is absurd or preposterous it cannot set aside nor substitute its own decision in place of arbitrator. The arbitrator being the final judge of facts and law, the court will interfere only if the arbitrator arrives at inconsistent conclusions even on his finding or arrives at a decision ignoring material documents. The Act

makes a provision for supervisory role of the courts for review of the arbitral award only to ensure fairness. Intervention of the courts is envisaged in few circumstances only like in case of fraud or bias by the arbitrator, violation of principles of natural justice.

21. It is also settled position of law now that this court cannot re-appreciate the evidence brought before the learned Arbitral Tribunal as an appellate court nor it acts as a court of appeal. Further, where the view taken by the learned Arbitral Tribunal is a plausible view, still this court cannot interfere with the same. Even where a view taken by the learned Arbitral Tribunal is erroneous view still this court cannot interfere with the said award. This court can interfere only where the court comes to the conclusion that the learned Arbitral Tribunal has committed patent and glaring illegality going to the root of the case shocking conscious of the court.

22. Now rival contentions will be considered in the light of aforesaid scope of interference by this court under Section 34 of the Act.

23. After considering rival contentions of learned counsel for the parties, after going through the record of the case and after going through the citations of judgments relied upon, court is of the considered view that petitioners have failed to show that award under challenge passed by the learned sole arbitrator is patently illegal and perverse being contrary

to terms of the contract executed between the parties and is liable to be set aside for the reasons given below.

24. The main grounds for challenging the impugned award by the petitioners are that the respondents did not assess the value of land of the owners properly and did not appreciate the price of the land at the true market value as per evidence led before the competent authority and their arguments were not properly appreciated. However, the court is unable to accept this contention of ld. counsel for the petitioners as it is an admitted fact that the scope of court exercising jurisdiction under section 34 of the Arbitration and Conciliation Act is very limited and it has only a supervisory jurisdiction. The court cannot go into merits of the case and re-appreciate the evidence led by the parties before the ld. Arbitral Tribunal. The court can only go into the point of such material irregularity or perversity in the impugned award under challenge which goes to the root of the case. On appreciation of the impugned arbitral award passed by ld. Arbitrator it is seen that after framing of issues, ld. Arbitrator gave proper opportunities to the parties to lead their evidence. Further while returning findings on the main issues framed by ld. Arbitrator he considered the arguments advanced by ld. counsel for the petitioners that the rates of land awarded by competent authority i.e. DRO concerned were unfair, unreasonable and inadequate because the land in question is adjoining the National Highway and on both sides commercial

activities were being performed on the land which was denied by ld. counsel for respondents who argued that the land was acquired for public purpose only and the said land is also covered under the Punjab Schedule Road Act, on which commercial activities are prohibited on both side of road on berms of the road for a few meters. So the amount of compensation of the acquired land has been properly assessed in view of section 3G(7) of National Highway Act, 1956. Ld. Arbitrator thereafter referred to the statutory provision under section 3G(7) of National Highway Act, 1956 and the evidence led by both the parties and came to conclusion that the petitioners' witnesses admitted that the land was being acquired by the respondents not for any commercial purpose but for widening of national highway road and the same was being used for agricultural purpose since the time of forefathers of petitioners. The petitioners also admitted in their cross-examination that land was not required for any residential colony, commercial or industrial purpose. Beside this, the competent authority (DRO) had to consider the price of the land and evidence as on the date of publication or issuance of notice under section 3A of National Highway Act, 1956. It was further observed that petitioners only examined themselves as their own witness and did not examine any witness from the revenue authority nor any sale deed was produced showing the cost of the land at the time of notification showing higher market price. The petitioners also admitted that the nature

of land was agricultural and the land adjoining to the acquired land was also being used for agricultural purpose. Id. Arbitrator relied upon law as laid down by Hon'ble Supreme Court in ***Hari Chand Vs. Union of India & Anr. 2016 (14) SCC 96***, wherein Hon'ble Supreme Court held that the enhancement of the compensation on the ground that the land in adjoining village fetched more compensation could not be accepted as the petitioners before Hon'ble High Court had failed to produce any sale deed or any valid document proximate to date of notification in support of their claim. Same is the position in the present case also as even during the course of arguments Id. counsel for the parties were unable to show which material evidence, if any, relating to higher value sale deed on the date of issuance of notification under section 3A of National Highway Act, 1956 was not considered by the DRO or the Id. Arbitrator. It has been further observed by Id. Arbitrator that the petitioners were not entitled to enhancement of compensation and the petitioners had failed to file objections under section 3C of the National Highway Act, 1956 after the publication of notification under section 3A of National Highway Act, 1956. In this view of the matter, the view taken by Id. Arbitrator cannot be said to be against settled position of law, erroneous or perverse in any manner.

25. Further, as per notification dated 20.12.2017 issued by Ministry of Road Transport and Highway of Government of India the

first, second and third schedule of RFCTLARR Act 2013 shall be applicable to the National Highway Act 1956 w.e.f. 01.01.2015. It has been further clarified that where the award has not been announced under section 3G of the National Highway Act till 31.12.2014 or where such award has been announced but compensation has not been paid in respect of majority of land holdings under acquisition as on 31.12.2014, the compensation would be payable in accordance with first schedule of RFCTLARR Act 2013 and where the land acquisition process was initiated and award of compensation under section 3G of Act had also been announced before 01.01.2015 but where the full amount of award had been deposited by the acquiring agency with CALA, the compensation amount would be liable to be determined in accordance with first schedule of RFCTLARR Act 2013 w.e.f. 01.01.2015. However, where the process of acquisition of land stood completed i.e. award under section 3G announced, deposited by CALA, amount of compensation paid to the land owners in respect of majority of land under acquisition on or before 31.12.2014, the process would be deemed to have been completed and settled. Such cases would not be re-opened.

26. Thus for claiming solatium @100% before Id. Arbitrator, the petitioners were required to plead and lead evidence to show that they were not released compensation in terms of award passed by the DRO on 23.12.2024. Admittedly the award was passed by DRO before

01.01.2015. For claiming 100% solatium in terms of first schedule of RFCTLARR Act 2013 the petitioners were required to plead and prove that their case was covered under the subsequent notification issued by government of India, Ministry of Road Transport & Highways and that they were not paid the compensation amount. Similarly for the grant of factor also under first schedule of RFCTLARR Act 2013 again the petitioners were required to plead and prove this fact before ld. Arbitrator. However, after going through the record of the case, it is seen that there is no such pleading of the petitioners before ld. Arbitrator nor any such evidence was led by them to show that ld. Arbitrator has ignored the statutory provision and has wrongly not granted the higher solatium @100% since award in this case was passed before 01.01.2015. The petitioners were required to prove that amount of compensation awarded was not given to them before 01.01.2015. Since no such evidence was led before ld. Arbitrator, it cannot be said that the impugned award passed by ld. Arbitrator is patently illegal and against the statutory provision. In view of the same, no benefit of judgment relied upon by ld. counsel for petitioners can be given in the light of aforesaid factual position.

27. Keeping in view the aforesaid factual and legal position, it cannot be said that the view taken by learned sole arbitrator is perverse, illegal or erroneous against the settled principles of law.

28. Thus, all the contentions raised on behalf of the petitioners/land owners have been adjudicated and decided by the learned arbitrator by passing a well reasoned award.

29. The law is well settled that the scope of Section 34 of the Act is very restricted and this court cannot exercise power as an appellate authority. In various pronouncements of the Hon'ble Supreme Court of India, it has been consistently laid down that even when the award passed by learned arbitrator is erroneous, it cannot be set aside under Section 34 of the Act. Similarly, even where the award is based on error of law and further where two views are possible and the one taken by learned arbitrator is a plausible view, then it cannot be said to be erroneous. The court while exercising power under Section 34 of the Act cannot re-appreciate the evidence to go into minute details. As long as the learned arbitrator has taken a possible view which may be a plausible view, based on evidence, the said award cannot be interfered with. Apparent illegality is where the learned arbitrator takes a view which is not even a possible one or it interprets a clause in the contract in such a manner which no fair minded person or a reasonable person would and which may amount to re-writing of the contract or agreement. Reliance in this regard can be placed upon a three Hon'ble judges judgment of Hon'ble Supreme Court of India in *Oil and Natural Gas Corporation Ltd. Vs. Discovery*

Enterprises Pvt. Ltd. and Ors AIR 2022 SC 2080 wherein it has been held that:

- (i) A mere contravention of substantive law is not a ground to set aside an award;
- (ii) The court while exercising the power of judicial review should not re-appreciate evidence;
- (iii) The construction of a contract is essentially a matter for the arbitral tribunal to decide;
- (iv) An award can be construed to be perverse only if it is based on no evidence or has ignored vital evidence;
- (v) The illegality of an award must be of such a nature or character so as to go to the root of the award; and
- (vi) Judicial intervention under Section 34 would not be warranted only because an alternative view on facts or the construction of the award is available.

30. Hon'ble Supreme Court of India in *Punjab State Civil Supplies Corporation Limited & Anr. Versus M/s Satnam Rice Mills & Ors. 2024(4) RCR (Civil) 422 (SC)* has again dealt with scope of courts exercising jurisdiction under Section 34 and 37 of the Act and held the same is summary in nature and court cannot go in detail as a appellate authority reiterating the earlier view so taken by Hon'ble Supreme Court. A similar view has been taken by Hon'ble Supreme Court in *Konkan*

Railway Corporation Limited Versus Chenab Bridge Project Undertaking

2023(9) SCC 85.

31. Further, Hon'ble Supreme Court of India in **Delhi Airport Metro Express Private Limited Vs. Delhi Metro Rail Corporation Limited** **(2022) 1 SCC 131**, in para 28 has held as under:-

28. This Court has in several other judgments interpreted Section 34 of the 1996 Act to stress on the restraint to be shown by Courts while examining the validity of the arbitral awards. The limited grounds available to Courts for annulment of arbitral awards are well known to legally trained minds. However, the difficulty arises in applying the well-established principles for interference to the facts of each case that come up before the Courts. There is a disturbing tendency of Courts setting aside arbitral awards, after dissecting and reassessing factual aspects of the cases to come to a conclusion that the award needs intervention and thereafter, dubbing the award to be vitiated by either perversity or patent illegality, apart from the other grounds available for annulment of the award. This approach would lead to corrosion of the object of the 1996 Act and the endeavours made to preserve this object, which is minimum judicial interference with arbitral awards. That apart, several

judicial pronouncements of this Court would become a dead letter if arbitral awards are set aside by categorising them as perverse or patently illegal without appreciating the contours of the said expressions.

32. No other arguments have been advanced by learned counsel for the petitioners.

33. In the light of discussion made above, the petitioners have failed to show any patent illegality or contravention of any basic notion of justice in violation of fundamental policy of Indian Law. It has also failed to prove any unjust enrichment of the respondent. As per legal position relating to scope under Section 34 of the Act as discussed above, learned arbitrator is the master of quality and quantity of evidence produced before it by the parties. Further, this court cannot re-appreciate the evidence as an appellate court and even if two views are possible, if the view taken by the learned arbitrator is a plausible view which cannot not be termed as perverse and arbitrary, shocking the conscious of the court, the same cannot be disturbed. Even if the award passed by the learned arbitrator is erroneous, still this court cannot interfere with the same unless it shocks the conscious of the court. As per discussion made above, reasoned award has been passed by the learned arbitrator.

34. Accordingly, the present petition stands dismissed. The parties are left to bear their own costs. Memo of cost be prepared accordingly. File be consigned to record room after due compliance.

Pronounced in open Court:
Dated: 10.08.2026
narinder

(Mahavir Singh)
Additional District Judge
Kurukshetra(UID:HR0141)

Note: It is certified that this judgment contains 24 pages and all the pages have been checked and signed by me.

(Mahavir Singh)
Additional District Judge
Kurukshetra(UID:HR0141)