

**IN THE COURT OF SHIV MOHAN GARG,
ADDITIONAL DISTRICT JUDGE,
MOGA (UID No. PB0164)**

Case type	: Civil Miscellaneous
CIS No	: CM/39 of 2024
CNR No	: PBMO01-000722-2024
Date of Institution:	6.2.2024
Date of decision	:15.11.2025

Baldev Singh, aged about 66 years son of Chand Singh Khewetdar of village Boude, Tehsil Nihal Singh Wala, Distyriect Moga

.... Petitioner

Versus

1. Union of India, through Ministry of Road Transport and Highways, New Delhi,
2. Competent Authority, Collector cum Sub Divisional Magistrate, Nihal Singh Wala, District Barnala,
3. Sub Divisional Engineer, Central Works Division, PWD (B&R) Jalandhar.

...Respondents

Application under Section 29-A (5) of the Arbitration and Conciliation Act, 1996`, as amended up to date for extension of time in arbitration proceedings titled as Baldev Singh Vs. Union of India and others bearing Case No.MA-83 of 2022 of village Boude, pending before the learned Commissioner, Ferozepur Division, Ferozepur, acting as Sole Arbitrator.

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Present: Sh. Nitin Mehta Advocate, counsel for the petitioner.  
Sh. Varinder Garg and Sh. Harish Aggarwal Advocate,  
counsel for respondents No. 1 and 3.  
Sh. Amandeep Singh, Government Pleader for respondent No.2.

**ORDER**

1. This order will dispose of the petition under Section 29-A (5) of the Arbitration and Conciliation Act, 1996, as amended up to date for extension of time in arbitration proceedings titled as Baldev Singh Vs. Union of India and others before the learned Commissioner, Ferozepur Division, Ferozepur.

2. The facts necessary for disposal of this application are that the land of the applicant was acquired for the purpose of building/ widening/ four lining etc, maintenance, management and operation of the National Highway No. 71 (Jalandhar-Barnala Section) in the State of Punjab. The award was passed by the competent authority on **7.9.2015**. As per Section 3G (5) of the National Highways Act, if the amount of compensation determined by the competent authority is not acceptable to either of the parties, on an application by either of the parties, the matter will be determined by the Arbitrator to be appointed by the Central Government and the provisions of Arbitration and Conciliation Act will apply to arbitration. The Commissioner, Ferozepur Division, Ferozepur has been appointed as the Sole Arbitrator to determine the correctness of the award. The petitioner filed the petition under Section 3-G of the National Highways Act, 1956 before the Divisional Commissioner, Ferozepur Division, Ferozepur, titled as Baldev Singh Versus Union of India and Others. The petition was presented on **10.5.2018**. The award is required to be passed within a period of 12 months from the date of completion of pleadings under sub-Section 4 of Section 23 of Arbitration and Conciliation Act. It is pleaded that the Arbitrator could not pass the

award in time due to work load. He was holding the post of Commissioner, Ferozepur Division, Ferozepur and the arbitration matters are taken up only twice in a week. The other various matters are being dealt by the Commissioner, Ferozepur Division, Ferozepur. There was time taken in serving the respondents and respondents took time in filing the written statements. So, no much time was left with the Arbitrator for recording evidence. The cases remained delayed due to fault of none of the parties and the Arbitrator. Moreover, due to the Covid-19, the work remained suspended for a long period. So, there are sufficient grounds to extend the period for adjudication of the Arbitration proceedings. If the extension in the period is not granted, the applicant will suffer an irreparable loss. Hence, a prayer is made for extending the time for passing of award by the Commissioner, Ferozepur Division, Ferozepur.

3. Upon notice, the respondents appeared and filed reply taking preliminary objections that the application is not maintainable. It is bad for non-joinder of necessary parties as the Arbitrator has not been impleaded as party. The applicant has not come to the court with clean hands. There was no delay on the part of the respondents. In fact, the applicant wants to get the Arbitrator of his choice appointed. The applicant has misused the process of law. The applicant has no right to move such application. The reasons mentioned in the application for delay are vague and devoid of merits. The he applicant has taken number of adjournments without any reason just to delay the matter. The order of Arbitrator clearly mention it. On merits also, the filing of the Arbitration proceedings and the legal provisions are admitted, but the reason for delay

in deciding the arbitration matters has been denied. A prayer is made for dismissal of the application.

4. I have heard the learned counsel for the parties and have perused the file with their able assistance.

5. Section 29A of Arbitration and Conciliation Act reads as under:-

**[29A. Time limit for arbitral award.--**

*(1) The award shall be made within a period of twelve months from the date the arbitral tribunal enters upon the reference.*

**Explanation,--** *For the purpose of this sub-section, an arbitral tribunal shall be deemed to have entered upon the reference on the date on which the arbitrator or all the arbitrators, as the case may be, have received notice, in writing, of their appointment.*

*(2) If the award is made within a period of six months from the date the arbitral tribunal enters upon the reference, the arbitral tribunal shall be entitled to receive such amount of additional fees as the parties may agree.*

*(3) The parties may, by consent, extend the period specified in sub-section (1) for making award for a further period not exceeding six months.*

*(4) If the award is not made within the period specified in sub-section (1) or the extended period specified under sub-section (3), the mandate of the arbitrator(s) shall terminate unless the Court has, either prior to or after the expiry of the period so specified, extended the period:*

*Provided that while extending the period under this sub-section, if the Court finds that the proceedings have been delayed for the reasons attributable to the arbitral tribunal, then, it may order reduction of fees of arbitrator(s) by not exceeding five per cent, for each month of such delay.*

*(5) The extension of period referred to in sub-section (4) may be on the application of any of the parties and may be granted only for sufficient cause and on such terms and conditions as may be imposed by the Court.*

*(6) While extending the period referred to in sub-section (4), it shall be open to the Court to substitute one or all of the arbitrators and if one or all of the arbitrators are substituted, the arbitral proceedings shall continue from the stage already reached and on the basis of the evidence and material already on record, and the arbitrator(s) appointed under this section shall be deemed to have received the said evidence and material.*

*(7) In the event of arbitrator(s) being appointed under this section, the arbitral tribunal thus reconstituted shall be deemed to be in continuation of the previously appointed arbitral tribunal.*

*(8) It shall be open to the Court to impose actual or exemplary costs upon any of the parties under this section.*

*(9) An application filed under sub-section (5) shall be disposed of by the Court as expeditiously as possible and endeavour shall be made to dispose of the matter within a period of sixty days from the date of service of notice on the opposite party.*

6. From the perusal of record, it revealed that the petition under Section 3-G of the National Highways Act was filed by the applicant before Arbitrator on **10.5.2018**. Thereafter, the respondents through counsel appeared on the **same day** and reply was filed on **6.7.2018** by the respondents. Thereafter, the case was being fixed for evidence of the applicants, but the applicant has availed numerous opportunities to lead the evidence. In the intervening period, there was no work due to Covid-19. However, after the Covid-19 was over, **the applicant failed to lead any evidence**. Ultimately, the Arbitrator has referred the parties to approach

the Principal Civil Court on the application of the applicant on **23.8.2023** on the ground that mandate of the Arbitrator has expired. The Arbitrator himself has given numerous opportunities to the applicants to lead evidence without caring for the provisions of The Arbitration and Conciliation Act beyond the time period within which, the matter was to be decided. In the order, Arbitrator has mentioned that every efforts are being made to prolong the matter by the petitioner. Though, no ground is made out to extend the time for deciding the arbitration proceedings. However, in the interest of justice, this court grants extension of time to conclude the arbitration proceedings by Arbitrator-cum-Commissioner, Ferozepur Division. Therefore, the present petition is allowed and the period for completion of arbitration proceedings or for passing award is extended for four months further from 25.11.2025 with the following terms and conditions:-

- i). That the Arbitral Tribunal shall conclude the proceedings by 25.3.2026 and make the award in accordance with law by granting short adjournments.
- ii) No unnecessary adjournment shall be granted to either of the parties.

7. Parties through their respective learned counsels are directed to appear before the Arbitrator on 25.11.2025. Record of the Arbitral Tribunal be returned immediately along with copy of this order.

File be consigned to the Record Room.

Pronounced in the open Court:  
Dt. 15.11.2025.  
Sanjeev Kumar, Stenographer

(Shiv Mohan Garg)  
Additional District Judge, Moga  
UID No.PB-0164