

Present: Sh. Kamaljit Bansal, Advocate for petitioner.
Respondent no.1 and 3 exparte.
Service of respondent No.2 dispensed with.

This is an Arbitration petition under Section 34 of Arbitration and Conciliation Act, 1996 vide which an arbitral award passed by Ld. Arbitrator cum Commissioner on a reference under Section 3G of the National Highways Act, 1956 has been challenged. Recently, the Hon'ble Punjab & Haryana High Court in a case titled as 'Sohan Lal & Ors. Vs. Union of India and Ors. in CWP No. 19799 of 2023, decided on 20.03.2025' has held Section 3J and Section 3G of National Highways Act, 1956 to be unconstitutional and further observed specifically that *'Though this Court has declared Section 3G and 3J of the Act of 1956 to be Constitutionally void, therebys when the said provisions is void or non est, therebys when it is completely dysfunctional, as such all pending arbitration petitions also become completely ineffective, wherebys in terms of the expositions of law made in Tarsem Singh's case (supra), thus this Court can proceed to in the exercise of extraordinary writ jurisdiction, thus in case, the parameters enshrined in Tarsem Singh's case (supra), re-affirmed in miscellaneous application bearing No.1773/2021 in Civil Appeal No.7064 of 2019, becoming not applied by the Collectors in passing the awards, rather pass such/said appropriate directions, as deemed fit but on a cases to case basis. Even the execution petition(s) filed to execute awards passed by the arbitrators would become ineffective'*.

As per the report of Civil Ahlmad of this court, there is no stay on further proceedings of this case. Accordingly, in view of the aforesaid authoritative pronouncement of Hon'ble Punjab & Haryana High Court, this Arbitration petition under section 34 of the Arbitration and Conciliation Act, 1956 whereby the award made by concerned arbitrator on a reference under section 3G of the National Highways Act, has been challenged, has been rendered fruitless and infructuous as the very impugned award itself has been rendered unsustainable in the eyes of law. Accordingly, the present Arbitration Petition is dismissed. Arbitration record, if any, be returned to the concerned quarter. File be consigned to the record room.

Pronounced in Open Court :
29.04.2025
Rakhi

(Mahesh Grover)
Additional District Judge, Exercising the
Powers of Principal Civil Court Under The
Arbitration and Conciliation Act, 1996 at
Bathinda UID No. PB0243