

Varun Kumar vs Union of India & Ors.

Arbitration Case No.467 of 2024

16.05.2025 Present: Ms. Suhani Gautam, Advocate, for the petitioner.

Mr. Shiv Pal Manhans, Senior Panel Counsel, for respondent No.1-UI.

Ms. Shreya Chauhan, Advocate, for respondents No.2 & 3-NHAI.

Mr. Gobind Korla, Additional Advocate General, for respondent No.4-State.

Mr. Shiv Pal Manhans, Senior Panel Counsel for respondent No.1 informs this Court that the Hon'ble Punjab and Haryana High Court has passed a judgment in **Sohan Lal and Others Versus Union of India and Others [CWP No.19799-2023, decided on 20.03.2025]** which reads as under:-

“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,** whereby 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.”

2. Learned counsel submits that in terms of judgment dated 20.03.2025 under Section 3G and 3J of the National Highways Act, has been declared constitutionally void/non est, due to which all pending arbitration petitions have become ineffective.

3. In above backdrop, the award passed by the Arbitrator under Section 3G(5) of National Highways Act 1956 passed by the Arbitrator has been assailed in Section 34 proceedings before this Court and the passing of the aforesaid judgment shall have a bearing on the instant petition also.

4. Accordingly, Learned Counsel prays for an adjournment, so as to enable him to ascertain, as to whether the judgment in Sohan Lal [supra] has been assailed further and outcome thereof.

As prayed, list the mater after six weeks.

May 16, 2025
(Chiranjeev)

(Ranjan Sharma)
Judge