

UNION OF INDIA AND ORS.

v.

SMT. SATYAWATI AND ORS.

JANUARY 12, 1996

[K. RAMASWAMY AND G.B. PATTANAIAK, JJ.]

*Requisitioning and Acquisition of Immovable Property Act, 1952/rules:*

*S.8(1)(b)/Rule 9(1)—Award—No action taken by claimants in communicating the objections for not accepting the award within the prescribed time—Hence omission to appoint Arbitrator not vitiated by error of law—Where arbitrator appointed and award given parties to rise the contentions before the High Court—Held : No interference called for by Supreme Court at this stage.*

*Union of India & Ors. v. Munsha & Ors., JT (1995) 8 SC 289, followed.*

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 2364, 2361-62, 2365-66, 2363, 2367-78 of 1996.

From the Judgment and Order dated 20.11.87 of the Punjab & Haryana High Court in L.P.A. Nos. 755, 836-47, 879-83 and 927 in C.W.P. Nos. 6884-89, 6911-14, 6801, 6802, 6883, 5546, 5550, 6082, 6080, 5547 and 5549 of 1986.

V.C. Mahajan, Ms. Shashi Kiran, Ms. Anil Katiyar and P. Parmeshwaran for the Appellants.

S. M. Sarin, P.N. Puri, Sanjay Sarin and Ashok Mathur for the Respondents.

The following Order of the Court was delivered :

Leave granted.

Mr. Sanjay Sarin, learned counsel appearing for the respondents has brought to our notice that pursuant to the directions of the High Court, arbitrator had already been appointed and he gave his award. Against the

award, appeals have been filed in the High Court and they are pending. Under these circumstances, it is open to the appellants to raise all the contentions raised in these appeals, in the High Court and the High Court would deal with and dispose them of according to law. Accordingly, we do not think that these are cases for our interference at this stage.

The appeals are accordingly dismissed. No costs.

*C.A. Nos. 2364, 2365-66 & 2367-78 of 1996*  
(@ *SLP Nos. 5774, 5777-78 & 5781-92*)

Leave granted.

The controversy raised in these cases is squarely covered by the judgment of this Court in *Union of India & Ors. v. Munsha & Ors.*, JT (1995) 8 SC 289. Following the judgment, we are constrained to hold that since no action has been taken by the claimants in communicating the objections for not accepting the award within the time prescribed under the law, it must be deemed that they have accepted the award. Consequently, the omission to appoint the arbitrator under Section 8(1)(b) of the Requisition and Acquisition of Immovable Property Act, 1952 read with Rule 9 (1) of the Rules made under that Act, is not vitiated by any error of law. The High Court, therefore, was not right by directing in the impugned order the appointment of an arbitrator.

The appeals are allowed. The order of the High Court in the respective writ petitions is set aside. No costs.

Appeals allowed.