

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-2186-2014 (O&M)
Date of decision: 26.11.2015

Neena Gupta and ors.

... Appellants

Vs.

National Highway Authority of India

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vinod Gupta, Advocate
for the appellants.

Mr. Kamaljeet Dahiya, Advocate
for the respondent.

AMIT RAWAL, J. (ORAL)

CM-20169-CII-2015

This is an application for placing on record the written submissions
on behalf of the NHAI.

For the reasons stated in the application, the same is allowed and the
written submissions is placed on record.

CM stands disposed of.

FAO-2186-2014

Appellants are in an appeal under Section 37 of the Arbitrator and
Conciliation Act, 1996 against the order dated 06.11.2013 whereby the petition
filed under Section 34 by the National Highway Authority of India against the
award of arbitrator granting the compensation @ Rs.11000/- per square meter
along with interest as per the provisions of Section 23(1) (a) and 23 (2) of the

Land Acquisition Act plus Rs.25 lacs as severance charges has been partly allowed, whereby the objecting Court while upholding the award has set aside the compensation of Rs.25 lacs towards severance charges and interest.

Mr. Gupta, learned counsel appearing on behalf of the appellants submits that the land measuring 22000 square meter was acquired by the National Highway Authority of India for setting up of the Panipat Toll Plaza. The award determined the compensation @ 12,000/- per square meter, was passed. The National Highway Authority of India appointed the committee and assessed compensation @ Rs.4000/- per square meter which was challenged in this Court and the same was allowed. The National Highway Authority assailed the abovementioned finding in the Hon'ble Supreme Court and the Hon'ble Supreme Court stayed the grant of compensation, but directing the National Highway Authority to deposit Rs.1 crore per acre along with statutory benefits. He further submits that thereafter the SLP has been withdrawn. In support of his submissions, he has relied upon a judgment of Division Bench of this Court in **M/s Golden Iron and Steel Forging Vs. Union of India and others, 2011 (4) RCR (Civil) 375**, to contend that the objecting Court erroneously interfered in setting aside the compensation of Rs.25 lacs towards severance charges as well as interest as the scope of objection is limited.

Mr. Dahiya, learned counsel appearing on behalf of the respondent National Highway Authority submits that in pursuance to the orders of the Hon'ble Supreme Court sum of Rs.4 crores and other amount has been deposited and therefore no cause of action survives in the present appeal.

I have heard learned counsel for the parties and appraised the paper book.

It is the settled law that there is very little scope for the objecting

Court while dealing with objections filed under Section 34. In essence, objections on behalf of NHAI were as per provisions of Section 34. The objecting Court while upholding the entire award had no authority to set aside the severance charges and as well as interest by not actually relying upon the ratio of the judgment in **M/s Golden Iron and Steel Forging** (supra) which rather provides for payment of statutory benefits. The subsequent judgments clearly laid down the statutory benefits as per the Land Acquisition Act are admissible to the land owner whose land has been acquired for the widening of the Highway under the National Highway Authority Act.

Keeping in view the aforementioned reasons, finding of the objecting Court taking out the benefit of the compensation of Rs.25 lacs towards severance and interest, is set aside and the award of the Arbitrator is accordingly restored.

According, appeal is allowed.

[AMIT RAWAL]
JUDGE

26.11.2015
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