

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 4018 of 2014(O&M)
Date of decision : February 10, 2016

Jagjit Singh Gill and others

..... Appellants

Versus

Govt.of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sarbir Rathore, Advocate
for the appellants.

Mr. D. K. Prajapati, Advocate for
Mr. R. S. Madan, Advocate
for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

This appeal is filed at the instance of the land owners who are aggrieved of the award whereby compensation at the rate of ₹1,50,000/- per Marla in respect of land acquired for widening of the National Highway situated at village Aima Manget Tehsil Mukerian, Distt. Hoshiarpur has been assessed. However, objections filed at the instance of the National Highways Authority of India awarding interest @ of 9% per annum for the date of taking possession till payment and in case of delay of payment of enhanced price beyond 90 days, the interest would be 15% per annum and thereafter 18% on the enhanced amount if the payment is made after

six months of announcement of the award, has been allowed.

Mr. Sarbir Rathore, learned counsel appearing on behalf of the appellants submits that in an identical situation, land adjacent to the land of the appellant, the arbitrator had awarded a compensation of ₹3,07,600/- along with the interest @ of 9% per annum for the date of taking possession till payment and in case of delay of payment of enhanced price beyond 90 days, the interest would be 15% per annum and thereafter 18% on the enhanced amount, if the payment is made after six months of announcement of the award, is perfectly justified.

Mr. D. K. Prajapati, learned counsel appearing on behalf of the National Highways Authority of India submits that awarding of the aforementioned interest basically tantamounts to invoking provisions of Section 34 of the Land Acquisition Act, 1894, which is not applicable to the proceedings/acquisition of land acquired by the National Highway Authority of India, much less the judgment of Hon'ble Division Bench of this Court in **M/s Golden Iron & Steel Forging Vs. UOI and others 2011(4) RCR (Civil) 375** granted only the benefit under Section 28 and 23(2) of the Act and prays for dismissal of the appeal.

I have heard learned counsel for the parties and appraised the paper book and am of the view that there is no substance in the plea of learned counsel for the respondents. The appellants have applied for the exact valuation of the land and in view of the fact that the arbitrator in an identical case vide award dated 22.4.2013 has awarded a compensation to the tune of

₹3,07,600/-the same findings would be squarely applicable to the facts and circumstances of the present case. I am of the view that the matter should be remitted back to the arbitrator.

In view of the above, the order of the objecting court and award of the arbitrator are set aside.

The matter is remitted back to the arbitrator to decide the controversy afresh within a period of four months keeping in view the compensation awarded in the award dated 22.4.2013.

Parties through their counsel shall appear before the arbitrator on 15.3.2016.

(AMIT RAWAL)
JUDGE

February 10 , 2016
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