

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

FAO No.1409 of 2016 (O&M)

Date of decision : 11.05.2016

Union of India and another

...Appellants

Versus

Karam Chand and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Ms. Jatinder Jit Kaur, Advocate for the appellants.

AMIT RAWAL, J. (Oral)

The appellant-National Highway is aggrieved of the dismissal of the objection filed under Section 34 of Arbitration and Conciliation Act, 1996 (hereinafter to be referred to as 'the Act') seeking setting aside of the award dated 13.06.2011 in respect of land situated in Village Bhoor, Tehsil Pathankot, District Gurdaspur for widening of National Highway-1A. Notification under Section 3-A was published on 05.10.2005. The landowners claimed compensation on account of construction and the Arbitrator assessed the compensation of structure at the rate of ₹450/- per square feet and for shifting of structure at the rate of ₹15,000/-, loss of business as ₹2.50 lacs and interest at the rate of 9%, 15% and 18% in case the payment of compensation is not deposited within the time line fixed in the award.

Ms. Jatinder Jit Kaur, learned counsel appearing on behalf of appellant submits that compensation of the land was given. No evidence has been lead regarding the loss of the business or the cost of the construction, much less, surveyor report is conspicuously wanting, therefore assessment done by the Arbitrator at the rate of ₹450/- per square feet is phenomenal/arbitrary and objections were falling within the provision of Section 34 as the award was not in conformity with the public policy but the same has erroneously been dismissed.

I have heard learned counsel for the appellant and appraised the paper book and of the view that the assessment done by the Arbitrator is based upon the connecting awards, and on the basis of the site plan placed on record, indicating the commercial-cum-residential structure on the acquired land consisting of two STD/PCO, tea shop, sweet shop are there, even for residential structure consisting of one room, verandah, shed and the payment has been made for superstructure @ ₹2,01,192/-, whereas for rural area along with GT road on account of fact that income vary from ₹50,000/- per annum to ₹5,00,000/- per annum per shop. The arbitrator after examining the evidence on record assessed the compensation as noticed above, which in my view is legal and justified being expert. This Court cannot sit in appeal to re-appreciate the evidence. In my view, compensation enhanced by the Arbitrator is perfect, legal and justified. No fault can be found. In case compensation is not deposited, the element of interest as noticed above has rightly been awarded.

No ground for interference is made out.

Dismissed.

11.05.2016

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**(AMIT RAWAL)
JUDGE**