

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

FAO No.1411 of 2016 (O&M)

Date of decision : 11.05.2016

Union of India and another

...Appellants

Versus

Malkiat Singh 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 the Arbitration and Conciliation Act, 1996 (hereinafter to be referred as 'the Act') for setting aside of the award dated 21.03.2011.

Ms. Jatinder Jit Kaur, learned counsel appearing on behalf of appellant submits that vide notification under Section 3-A of 1996 Act for widening of the National Highway from Jalandhar and Pathankot in respect of land situated in Village Dugri Rajputtan, Tehsil Phillaur, District Hoshiarpur, Competent authority assessed the compensation at the rate of ₹50,000/- per marla of land described in the gair mumkin abadi land i.e. ₹80,00,000/- per acre whereas Arbitrator has enhanced the compensation to ₹2,00,000/- per marla for the land having commercial nature upto depth of 25 feet and ₹62,500/- per marla (i.e. ₹1,00,00,000/- per acres) beyond 25 feet in depth, whereas land owners have failed to prove on record the sale deed or income of

business losses, income tax returns or any cost of construction, much less, report of surveyor to show that whether it was A, B or C class construction. In this view of the matter, objections were filed which have been dismissed without appreciating the aforementioned fact and thus urges this Court for setting aside of the award.

I have heard learned counsel for the appellant and appraised the paper book and of the view that compensation awarded by the Arbitrator is most reasonable and justified as the Arbitrator after inspecting the spot and taking into consideration collector rate by applying 50% cut, assessed the compensation as noticed above i.e. ₹2,00,000/- per marla for land of the commercial nature upto depth of 25 feet and ₹62,500/- per marla (i.e. ₹1,00,00,000/- per acres) beyond 25 feet depth. The total land of the landowners acquired is 2 kanals 2 marla. 4 marla 3 sarsai. Valuation report of the Sakaar Foundation has been placed on record and on the basis of the same, assessed the compensation of superstructure at the rate of ₹500/- per square feet and also ordered for interest at the rate of 18%, in case compensation is not deposited within period prescribed. Even compensation of ₹15,000/- lump sum of shifting of structure has been assessed and ₹2,00,000/- lump sum for the business loss and change of the business for another ₹2,00,000/-.

I am of the view that objections were not falling within the purview of Section 34 as the award of the arbitrator is not falling within the realm of 1996 Act, much less, award can be said to be against public policy.

No ground for interference is made out.

Dismissed.

11.05.2016

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**(AMIT RAWAL)
JUDGE**