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

Date of decision : 08.02.2016

1. FAO-5451-2013

Union of India and another

...Appellants

Versus

Sukhdev Singh and others

...Respondents

2. FAO-8002-2014 (O&M)

Union of India and another

...Appellants

Versus

Balbir Singh and others

...Respondents

3. FAO-7999-2014 (O&M)

Union of India and another

...Appellants

Versus

Harbhajan Singh and others

...Respondents

4. FAO-1594-2015 (O&M)

Union of India and another

...Appellants

Versus

Santokh Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.S. Madan, Advocate
for the appellant(s)-Union of India.

Ms. Jatinder Kaur, Advocate
for the appellant in FAO-1594-2015.

Mr. Onkar Singh, Advocate
for respondent No.1
(in FAO-5451-2013 and FAO-8002-2014).

Mr. J.S. Mangat, Advocate
for respondent No.1 (in FAO-1594-2015).

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 order of mine shall dispose of the appeals bearing FAO No.5451 of 2013, FAO No.8002 of 2014, FAO No.7999 of 2014 and FAO No.1594 of 2015 filed at the instance of Union of India. The notification for widening of the National Highway under Section 3A of the National Highway Act, 1956 (hereinafter called 'the 1956 Act') was promulgated on 03.04.2008. The competent authority assessed the compensation @ ₹ 30,00,000/- per acre i.e. ₹ 18,750/- per marla for the land situated in the Village Khokar Fauji, Tehsil Batala, District Gurdaspur. Aggrieved with the same, the appellants-landowners sought the reference before the Arbitrator, the Arbitrator on the basis of the evidence on record assessed the compensation @ ₹ 45,40,000/- per acre and also awarded the statutory benefits under Section 23(2) and 28 of the Land Acquisition (Amendment) Act, 1984.

Mr. R.S. Madan, learned counsel appearing on behalf of the Union of India, submits that the Arbitrator has also added 15% increase for the gap of 15 months, as the sale deed brought on record was dated 20.12.2006, which is not permissible in law and at

the best, the compensation should have been assessed as per the Collector rate and price mentioned in the sale deed and prays for setting aside the Award.

Mr. Onkar Singh and Mr. J.S. Mangat, learned counsel appearing on behalf of the respondent(s)-landowner(s), submits that the objections filed on behalf of the National Highways Authority of India, were not falling within the realm of Section 34 of the Arbitrator and Conciliation Act, 1996 (hereinafter called 'the 1996 Act'). Since, the acquisition was made by invoking the provisions of the 1956 Act, as it statutorily provides that in case, either of the parties are not agreeable to the compensation awarded by the competent authority, raise the dispute under Section 3G (5) of the 1956 Act, seeking the appointment of the Arbitrator, thus, the award of the Arbitrator cannot be said to be fallen within the realm of Section 34 of the 1996 Act, viz-a-viz the acquisition under Section 19-A of the 1956 Act and prays for dismissal of the appeals.

I have heard the learned counsel for the parties and appraised the paper book and of the view that the Award of the Arbitrator is based upon the appreciation of the sale deed dated 20.12.2006 and by taking the benefit of the same, rightly upheld the 15% increase and assessed the compensation @ ₹ 28,375/- per marla from ₹ 18,750/- per marla. In my view, the objections were not within the parameters of Section 34 of the 1996 Act and the Court cannot sit on the arm chair of an expert to re-appreciate and re-examine the evidence.

Accordingly, the award of the Arbitrator is upheld.

With the aforesaid observations, the appeals are dismissed.

The landowners shall be entitled to all the statutory benefits as per the provisions of Sections 23 (2) and 28 of the Land Acquisition (Amendment) Act, 1984 and in view of the judgment rendered by the Division Bench of this Court in **'M/s Golden Iron and Steel Forging V/s Union of Indian and others" 2011(4) RCR (Civil) 375.**

08.02.2016
yogesh

**(AMIT RAWAL)
JUDGE**