

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

FAO No.684 of 2016 (O&M)

Date of decision : 11.05.2016

Union of India and another

...Appellants

Versus

Darshan Lal and others

...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)

CM No.2064-CII of 2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 11 days in filing the appeal is condoned.

Application stand allowed.

Main Case

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 06.01.2010 passed by the Arbitrator appointed under Section 3(G)(5) of the National Highway Act, 1956.

Ms. Jatinder Jit Kaur, learned counsel appearing on behalf of

appellant submits that vide notification under Section 3-A of 1996 Act published on 24.12.2004 for widening of the National Highway-1A from Jalandhar to Pathankot in respect of land situated in Village Bhangala, Tehsil Mukerian, District Hoshiarpur. Competent Authority assessed the compensation at the rate of ₹7562/- per marla (₹12,09,920/- per acre) for chahi land and ₹44,000/- per marla (₹70,40,000/- per acre) for abadi, whereas Arbitrator has phenomenally enhanced the amount of entire land at the rate of ₹46,875/- per marla. Though demand was ₹3,00,000/- per marla.

She further submits that objection were falling within the parameters of Section 34 of the Act as Arbitrator has wrongly awarded interest @ 9% p.a. on enhanced amount in case odd amount is paid within 60 days, otherwise 15% beyond 60 days. No evidence has been led on behalf of land owners for arriving at a aforementioned calculation, therefore, award is not sustainable.

I have heard learned counsel for the appellant and appraised the paper book and of the view that Arbitrator on the basis of the rate list supplied by the Revenue Officer assessed the compensation of the land in respect of the year 2004-2005, which reads thus:-

“The rate list supplied by the Revenue Officials is given below:-

<i>For the year 2004-05</i>					
<i>Nehri/Chahi per acre</i>	<i>Salab/Bar ani per acre</i>	<i>Banjar Kadhim/K harkana</i>	<i>Gair Mumkin Abadi Rate per marla</i>	<i>GT Road per marla</i>	<i>Link Road per marla</i>
12,10,000/-	6,05,000/-	6,05,000/-	33,000/-	44,000/-	38,000/-

”

and after noticing the aforementioned fact, assessed the

compensation at the rate of ₹46,875/- per marla by holding the condition of 9% p.a., in case compensation is deposited within 60 days and beyond 60 days, 15%. For abadi land, competent authority has assessed the compensation at the rate of ₹44,000/- and entire land is being used for widening of the National Highway 1-A which has been acquired vide Notification dated 24.12.2004.

In my view, the compensation is based upon the Collector/Revenue Rate. There is no illegality and perversity in the award of the Arbitrator which enable the National Highway to agitate the same by filing the objection. I am of the view that objections were not falling within the parameters/provision of Section 34 of 1996 Act.

No ground for interference is made out. Award of the Arbitrator is upheld.

Dismissed.

11.05.2016

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**(AMIT RAWAL)
JUDGE**