

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

FAO No.8519 of 2015 (O&M)

Date of decision:21.04.2016

Union of India and another

... Appellants

Vs.

Naranjan Singh 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:- Mr. R.S.Madan, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

C.M.No.26885-CII-2015

The application is allowed, subject to all just exceptions.

Document, Annexure A-1, is taken on record.

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It is a classic case where the National Highway Authority despite having obtained 50 adjournments within a span of 28 months chosen not to file reply in respect of the proceedings initiated for enhancement as per Section 3(G) (5) (a) of the National Highway Act. The competent authority assessed the compensation @ ₹3,750/- per marla. However, the Arbitrator after examining the collector rate, and cut of 50%, assessed the compensation @ ₹1.25 lac per marla with no order as to the severance compensation in respect of land

acquired for widening of National Highway from Jalandhar to Pathankot situated in village Ucchi Bassi, Tehsil Dasuya and District Hoshiarpur. The Arbitrator granted 90 days time to make the payment along with interest @ 9% per annum, failing which, interest would have been ordered/calculated @ 15% per annum and thereafter, 18%, in case, the payment is not made within six months. The award of the Arbitrator is of 28.03.2011. The proceedings were taken in the objection petition under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "1996 Act") before the Objecting Court, i.e., Additional District Judge, Jalandhar while instituting the petition on 28.11.2014.

It is a matter of record that the National Highway has not deposited the amount of compensation as awarded by the Arbitrator. The land owners are deprived of the land, much less, even the payment of compensation, owing to the matter being assailed and contested tooth and nail, particularly when in the acquisition in respect of land situated on the same highway, amount of compensation in few cases have already been disbursed. No explanation has come forth as to how the objections were maintainable in the absence of any evidence/reply, at the behest of the appellant before the Arbitrator. In my view, the amount of interest which is tax payer's money should not go un-noticed or be paid at their expense and the person, who, was/is responsible in not filing the reply and taking 50 perpetual adjournments should be held liable to pay the interest as ordered by the Arbitrator. NHAI is directed to

make payment of interest and thereafter recover the same from the concerned officer, in accordance with law and submit report regarding compliance.

With the aforementioned observations, the findings rendered by the Arbitrator, in my view, is perfectly legal and justified as the objections were not falling within the realm of Section 34 of 1996 Act.

No ground is made out for interference. Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

April 21, 2016
savita