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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 10.08.2016

1.

FAO-972-2015 (O&M)

Union of India and another

... Appellant(s)

Versus

Inderpal Singh and others

... Respondent(s)

2.

FAO-10305-2014 (O&M)

Union of India and another

... Appellant(s)

Versus

Sukhdev Singh and others

... Respondent(s)

3.

FAO-1652-2014 (O&M)

Union of India and another

... Appellant(s)

Versus

Kulwant Kaur and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.S. Madan, Advocate
for the appellant(s).

Mr. Vipin Mahajan, Advocate
for respondent Nos.1 and 2.
(in FAO-972-2015) and
for respondent No.1 (in FAO-1652-2014).

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 three appeal bearing ***FAO***

No.972 of 2015 titled as “Union of India and another V/s Inderpal Singh and others”, FAO No.10305 of 2014 titled as “Union of India and another V/s Sukhdev Singh and others” and FAO No.1652 of 2014 titled as “Union of India V/s Kulwant Kaur and others”.

The appellant(s)-Union of India is aggrieved of the impugned order passed by the Objecting Court dismissing the objections filed under Section 34 of the Arbitration seeking setting aside of the Award dated 20.04.2012, whereby the compensation has been enhanced @ ₹ 63.15 Lacs per acre in respect of land situated in Jeewanwal, Tehsil and District Gurdaspur.

The notification under Section 3-A of the National Highway Act for widening of the National Highway under the National Highway Act, 1956 was promulgated on 23.05.2008. The competent authority as assessed the compensation @ ₹ 33 Lacs per acre. Since, the landowners were aggrieved of the aforementioned amount of compensation, the landowner(s) preferred a position seeking resolution of the dispute through intervention of the Arbitrator in view of the statutory provisions of the Act, accordingly, the matter was referred to the Arbitrator. The Arbitrator after taking into consideration the sale deed dated 24.12.2007 i.e. pre notification has erroneously enhanced the amount of compensation @ ₹ 63.15 Lacs per acre by grating the statutory benefits i.e. solatium @ 30% under Section 23 (2) of the Land Acquisition Act, 1894 (hereinafter called 'the 1894 Act') and interest @ 18%.

I am of the view that the amount of compensation assessed is perfect, legal and justified and as per the settled law, thus, does not warrant

interference. The objections were not falling within the realm of Section 34 of the 1996 Act. The Arbitrator while assessing the amount of compensation has granted the statutory benefits of Section 23 (2) and 28 of the 1894 Act, but over and above the same, also of the provisions of Section 23 (1A) of the 1894 Act, which, in my view, cannot be granted per the the judgment rendered by the Division Bench of this Court in “M/s Golden Iron and Steel Forging V/s Union of India and others” 2011 (4) RCR (Civil) 375.

Accordingly, the Award of the Arbitrator granting benefits under Section 23 (1A) of the 1894 Act is hereby set aside and rest of the Award of the is upheld.

With the aforementioned modification, the appeals stand disposed of.

10.08.2016
yogesh

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No