211-54 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.1761 of 2016
DATE OF DECISION:02.02.2018

Surjit Singh

...Petitioner

Vs.

Harcharan Singh & another

..Respondents

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Satbir Rathore, Advocate
for the petitioner.

Ms. Anu Chatrath, Additional A.G. Punjab &
Mr. Aditya Sharda, AAG, Punjab.

Mr. Rishi Kaushal, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.(ORAL)

Learned counsel for the petitioner submits that an identical issue was there in COCP No.3621 of 2017 and the same was disposed of vide order dated 22.12.2017.

Learned counsel for the respondents has also not disputed the factual position.

The relevant portion of the order passed in COCP No.3621 of 2017 is reproduced as under:-

> "Admittedly, after passing of the order the authority determined the compensation payable to the petitioners in lieu of acquisition. Stand of the State is that supplementary awards dated 05.01.2015 & 20.01.2015 were passed as per the directions given by this court. NHAI, however, sought a reference on the ground that compensation

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determined was on the higher side. After considering the issue, the Commissioner, Jalandhar Division acting as ex-officio arbitrator has considered the matter and vide order dated 20.12.2017 remanded the same to the concerned competent authorities for decision afresh.

Pursuant to order dated 07.12.2017 Mr. Himanshu Aggarwal, (respondent no. 1) is present in court. On instruction from him, Mr. Sethi submits that a fresh order would be passed keeping in view orders passed by this court as well as the Apex court. Needful shall be done within the time frame fixed by the Arbitrator.

Learned counsel appearing for the NHAI submits that a corpus of funds has been kept in a separate account to be disbursed to the claimants as and when the claims mature.

In view of above, no cause of action survives in this petition. It may be ensured that orders passed are complied with in letter and spirit. However, if any cause of action survives, petitioners shall be at liberty to invoke the contempt jurisdiction of this court by way of fresh petition(s)."

Keeping in view order dated 22.12.2017 passed in COCP No.3621 of 2017, the present petition is disposed of with the same directions.

02.02.2018 **(DAYA CHAUDHARY)**
rimpal **JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

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