

FAO No.3730-2016 (O&M)
FAO-7735-2017 (O&M)

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

Date of Decision : 11.12.2018

FAO No.3730-2016 (O&M)

Union of India and another

..... Appellants

Versus

Kuldeep Raj and others

..... Respondents

FAO-7735-2017 (O&M)

Sheila Devi and others

...Appellants

Versus

Union of India and others

...Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. R.S.Madaan, Advocate with
Ms. Manika Madan, Advocate
for the appellants (FAO-3730-2016)
for respondents No.1 & 2 (FAO-7735-2017).

Mr. Paramjit Rajput, Advocate
for respondent No.1 (FAO-3730-2016)
for the appellants (FAO-7735-2017).

Ms. Amarjeet Kaur Khurana, DAG, Punjab

AJAY TEWARI, J. (Oral)

CM-27212-CII-2018 in FAO-3730-2016

This is an application for early hearing of the main case.

For the reasons recorded in the application, the same is allowed

and the case is heard today itself.

CM-12839-CII-2016 in FAO-3730-2016

For the reasons recorded, the application is allowed. Delay of 6 days in re-filing the appeal is condoned.

CM-25489-CII-2017 in FAO-7735-2017

This is an application for condonation of delay of 443 days in filing the appeal. Reply has been filed on behalf of respondent No.2. Having gone through the averments made in the application and the reply I deem it appropriate to condone the delay subject to the condition that in case the appeal is allowed the applicants-appellants would not be entitled to any interest for the period of delay.

Main cases

FAO-3730-2016 has been filed by the National Highway Authority of India against order dated 16.11.2015 passed by ADJ, Jalandhar whereby objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') was dismissed and FAO No. 7735-2017 has been filed by the landowners against the Award dated 30.5.2015 passed by ADJ, Jalandhar against allowing the objections filed by the NHAI and remanding the case to the Arbitrator.

Both the appeals related to village Fangrian, Tehsil and District Pathankot where the land had been acquired for purpose of widening the national highway. It has been agreed between the parties that the severance charges and 10% ease money is not payable in these cases since no severance had taken place and ease money is just a synonym for solatium. The claimants can get either ease money or solatium. These appeals are disposed of with a direction that the compensation under ease money,

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appeal would not be payable to the claimants.

The appeals stand disposed of.

Since the main cases have been decided, C.M, if any, also stands disposed of.

11.12.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No