

FAO-5136-2017 (O&M)

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

Date of Decision : 11.12.2018

FAO-5136-2017 (O&M)

Joginder Singh

..... Appellant

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Paramjit Rajput, Advocate and
Mr. Harish Mahajan, Advocate
for the appellant.

Mr. R.S.Madan, Advocate
for NHAI.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. Narender Kumar Vashist, Advocate
for Union of India.

AJAY TEWARI, J. (Oral)

CM-18257-CII-2018

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-15857-CII-2017

This is an application for condonation of delay of 1221 days in
filing the appeal.

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Counsel for the NHAI has argued that delay can be condoned 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.

On the other hand counsel for the claimant relied upon the judgments of this Court passed in ***FAO No.758 of 2018 titled as Randhir Singh & ors. Vs. Union of India & ors. Decided on 20.03.2018*** and ***FAO No.6522 of 2016 titled as Mangal Dass Vs. Govt. of India through Secretary, Ministry of Road Transport and Surface/Highways and others decided on 15.02.2017***. In these cases the matter was remitted back to the Arbitrator and the matter was pending before the Arbitrator and in those cases this Court had given reasoned order that in such case the claimant would be entitled to interest and have specially stated that these two judgments have been allowed to become final by NHAI. Counsel for NHAI is not in a position to deny this fact.

In the circumstances, the delay is condoned and the appellant is entitled to interest for the period of delay.

Main case

This appeal has been filed by the landowner against the order dated 13.11.2013 passed by ADJ, Jalandhar against allowing the objections under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') filed by Union of India and remanding the case to the Arbitrator.

In the present case the land was acquired for widening and four laning of Jalandhar-Pathankot Section of National Highway No.-1A in village Khokhar, Tehsil Dasuya, District Hoshiarpur. It has been agreed between the parties that issue regarding market value of the land is covered

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by the decision of this Court in *FAO No.10460 of 2014* decided on 27.01.2016 titled as *Union of India and another Vs. Rishi Kaushal & others.*

In the circumstances, the appeal stands disposed of in terms of the *FAO-10460-2014.*

Since the main case has 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