

FAO-2752-2018 (O&M)

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

Date of Decision : 11.12.2018

FAO-2752-2018 (O&M)

Hardeep Singh (deceased) through his LR

..... Appellant

Versus

Government of India and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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

Mr. Ish Puneet Singh, Advocate
for NHAI.

AJAY TEWARI, J. (Oral)

CM-10202-CII-2018

This is an application for bringing on record the legal representatives of the deceased-appellant who is stated to have passed away on 29.9.2013.

For the reasons recorded in the application, the same is allowed and the persons mentioned in the paragraph No. 2 of the application are impleaded as legal representatives of the deceased-appellant, subject to all just exceptions. Amended Memo of Parties is taken on record.

CM-10203-CII-2018

This is an application for condonation of delay of 2183 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 cases 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 18.2.2012 passed by ADJ, Jalandhar against allowing the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 by Government 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 Chak Alla Baksh, Tehsil Mukerian, District Hoshiarpur. It has been agreed that compensation would be covered by the principles laid down in

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the judgment of this Court in ***FAO-4361-2016*** titled as ***M/s Mukerian Papers Ltd. and another vs. Union of India and others*** decided on 26.9.2016.

In the circumstances, the appeal stands disposed of in terms of ***FAO-4361-2016.***

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