

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-5991-2018 (O&M)
Date of Decision : 11.12.2018

Kashmir Singh and others

..... Appellants

Versus

Government of India and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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

Mr. D.K.Singal, Advocate
for respondents No. 1 and 2.

AJAY TEWARI, J. (Oral)

CM-21146-CII-2018

This is an application for condonation of delay of 1449 days in filing the appeal.

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

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 has been filed by the landowners against the order and judgment dated 8.7.2014 passed by ADJ, Jalandhar allowing the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') by the respondent.

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 between the parties that as regards valuation of the land and statutory benefits under Section 23(2) and 28 of the Land Acquisition Act, 1894 is concerned the present appeal would be covered by the principles laid down in the judgment of this Court in *FAO-4361-2016* titled *M/s Mukerian Papers Ltd. and another vs. Union of India and others* decided on 26.9.2016.

In the circumstances, the present case is disposed of in terms of *FAO No.4361 of 2016*.

Since the main case has been decided, C.M, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

11.12.2018
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