

FAO-7016--2018 (O&M)

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

Date of Decision : 11.12.2018

FAO-7016-2018 (O&M)

Rakesh Singh

..... Appellant

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Rohiteshwar Singh, Advocate
for the appellant.

Mr. Ish Puneet Singh, Advocate
for respondents No. 1 and 2.

AJAY TEWARI, J. (Oral)

CM-25362-CII-2018

This is an application for condonation of delay of 2364 days in
filing the appeal.

Notice of the application has already been issued.

Reply has been filed through application bearing No. 26834-
CII-2018 is taken on record.

Counsel for the NHAH 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

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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 2.3..2012 passed by ADJ, Jalandhar against allowing the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 filed by Union of India and remanding the case back 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 Lameen, H.B. No. 194, Tehsil Dasuya, District Hoshiarpur. It has been agreed between the parties that this matter is covered by the decision of this Court in ***FAO No.2513 of 2016*** titled ***Union of India & another. Vs. Kashmir Multani & another*** decided on 03.05.2016. Learned counsel have further agreed that further compensation awarded under severance, loss of income and business may be deleted.

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Consequently, the appeal stands disposed of in above terms.

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