

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 27.02.2019

1. FAO No. 4559 of 2016 (O&M)

Sudesh Mehta

..... Appellant

VERSUS

Project Director, National Highway Authority of India and others

..... Respondents

2. FAO No. 4560 of 2016 (O&M)

Vinni Mehta

..... Appellant

VERSUS

Project Director, National Highway Authority of India and others

..... Respondents

3. FAO No. 4561 of 2016 (O&M)

Sheetal Mehta

..... Appellant

VERSUS

Project Director, National Highway Authority of India and others

..... Respondents

4. FAO No. 4562 of 2016 (O&M)

Veena Mehta

..... Appellant

VERSUS

Project Director, National Highway Authority of India and others

..... Respondents

5. FAO No. 4563 of 2016 (O&M)

Meena Mehta

..... Appellant

VERSUS

Project Director, National Highway Authority of India and others

..... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. B.S. Bagga, Advocate,
for the appellant.

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

JAISHREE THAKUR, J.

1. This order of mine shall dispose of above referred set of five appeals, which have been filed to challenge the order of the Addl. District Judge, Jalandhar allowing the objections filed by the respondent/ appellant under Section 34 of the Arbitration and Conciliation Act, 1996 as well as seeking enhancement of compensation.

2. In brief the facts are : that land measuring 24.50 marlas located in the revenue estate of village Laroya adjoining to the village Bhogpur was acquired by the National Highway Authority of India for widening of the National Highway-I-A between Jalandhar-Pathankot. The notification came to be issued under Section 3-A of the National Highways Act on 29.12.2004. Award was passed by the Competent Authority-cum-Land Acquisition Collector, Punjab, Public Works Department (B&R) Branch, Model Town, Jalandhar on 18.09.2006 and dissatisfied with the same, the claimants filed an appeal before the Commissioner, Jalandhar Division, Jalandhar. The Commissioner, who was appointed as an Arbitrator, passed his award dated 04.04.2009 holding that the landowners would be entitled to compensation @ ₹ 70,00,000/- per acre, i.e. ₹ 43,750/- per marla. Aggrieved by the said award, the Project Director, National Highway Authority of India, filed petition under Section 34 of the Arbitration and Conciliation Act, which matter came to be decided by Addl. District Judge, Jalandhar on 17.07.2009 whereby the Arbitral award dated 04.04.2009 was set aside and the matter was remanded back to the Arbitrator for passing a fresh award by taking into consideration all the aspects stipulated under Sections 3(G), 7(a) to (d) of the National Highways Act, 1956.

3. Thereafter, the Arbitrator by award dated 19.07.2010 modified the earlier award while assessing the price of the land payable @ ₹ 1.314 lakhs per Marla for land measuring 272 Sq. ft. and

₹ 1,00,000/- for land measuring 207 sq. ft. apart from allowing severance of land @ ₹ 50,000/- per case lump sum, earth filling @ ₹ 50,000/- per case and ₹ 20,000/- for the foundation of shops. This award dated 19.07.2010 again came to be challenged by the Project Director, National Highway Authority of India before the Addl. District Judge, Jalandhar, who allowed the objections and set aside the award. Aggrieved, the claimants have filed the instant appeal against the order allowing objections of NHAI.

4. Learned counsel for the appellant at the very outset submits that the compensation @ ₹ 1,50,000/- per marla has become final in **FAO No. 8685 of 2014** titled as '**Government of India and another vs. Amarjit Singh and others**', which compensation pertains to the same acquisition and notification. Learned counsel for the appellant contends that he would be satisfied if he is allowed compensation @ ₹ 1,50,000/- per marla as has been allowed in the aforementioned FAO along with the statutory benefits as per the provisions of Section 23(2) and 28 of the Land Acquisition (Amendment) Act, 1984 and in view of the judgment rendered by the Division Bench of this Court in **M/s Golden Iron and Steel Forging vs. Union of India and others**" 2011(4) RCR (Civil) 375. He very fairly states that other part of the compensation as assessed by the Arbitrator regarding ₹ 50,000/- payable for severance, earth filling @ ₹ 50,000/- apart from allowing ₹ 20,000/- for the foundation of shops etc., is not being claimed by him.

5. Learned counsel appearing on behalf of the NHAI, however, vehemently, opposes the compensation payable to the appellants herein by contending that the Arbitrator has fixed the compensation without there being any evidence on the record to substantiate the payment of ₹ 1,00,000/- per marla or the claim for enhancement.

6. I have heard learned counsel for the parties and find that there is no merit in the argument as stressed by the counsel for the NHAI in view of the fact that the similarly situated persons under the same notification have already been allowed compensation @ ₹ 1,50,000/- per marla along with interest and solatium as per the provisions of Section 23(2) and 28 of the Land Acquisition (Amendment) Act, 1984 and in view of the judgment rendered by the Division Bench of this Court in *M/s Golden Iron and Steel Forging* case (supra).

7. Accordingly, the appeals are disposed of by holding that the appellant(s) herein would be entitled to compensation @ ₹ 1,50,000/- per marla along with statutory benefits under Sections 23 (2) and 28 of the Land Acquisition (Amendment) Act, 1984.

8. A photocopy of this order be placed on the files of the connected cases.

27.02.2019

Satyawan

Whether speaking/reasoned

Whether reportable

**(JAISHREE THAKUR)
JUDGE**

Yes.

No.