

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

FAO No.6702 of 2015 (O&M)

Date of Decision.25.11.2019

Amarjit Singh

...Appellant

Vs

Union of India and others

...Respondents

Present: Mr. Naresh Kaushal, Advocate
for the appellant.

Mr. R.S. Madan, Advocate
for the respondents.

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

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JAISHREE THAKUR J. (ORAL)

By way of instant FAO, which is an appeal under Section 37 of the Arbitration and Conciliation Act, 1996, learned counsel for the appellant seeks to challenge the order of Additional District Judge, Jalandhar whereby the award of the Arbitrator for land acquired for the broadening of National Highway No.15 has been set aside and he has remanded the matter back to the Arbitrator for taking a decision afresh.

Learned counsel appearing on behalf of the appellant would contend that the order of the Additional District Judge is unsustainable, as the Court would have no power to remand the matter back by relying upon judgment rendered in **Kinnari Mullick and another Vs. Ghanshyam Das Damani 2017 (3) RCR (Civil) 251**, subsequently followed in **Radha Chemicals Vs. Union of India 2019 (1) ACJ (SC) 330**. It is also submitted that similarly situated persons, whose land was acquired vide same notification, have already been granted compensation @₹57,000/- per marla by the High Court in FAO No.3280 of 2015 decided on 12.04.2016 and

connected matter, which order has attained finality and compensation has been paid accordingly.

In brief, the facts are that land of the appellant was sought to be acquired under the National Highway Act, 1956 by notification issued under Section 3-A dated 25.09.2006 pertaining to village Bidhipur, Tehsil and District Gurdaspur amongst others. The competent authority assessed compensation @₹12,500/- per marla for village Bidhipur, Tehsil and District Gurdaspur, which was not acceptable to the claimants, who then preferred to approach the Arbitrator for enhancement of compensation. The Arbitrator on the basis of evidence brought on record assessed the compensation @₹1,15,000/- per marla for village Bidhipur, against which objections were filed by the National Highway Authority of India before the Additional District Judge, Jalandhar. The Additional District Judge, Jalandhar on appreciation of evidence remanded the matter back by its order dated 18.12.2014, which order has been challenged by the appellant herein.

I have heard learned counsel for the parties, appraised the paper book and find that the Additional District Judge could not have remanded the matter back to the Arbitrator for a decision afresh. Accordingly, the impugned order is set aside. However, while setting aside the impugned order whereby the matter has been remanded back to the Arbitrator for a fresh decision based on the evidence adduced, this Court has been apprised of findings given in FAO Nos.3280 of 2015 and 3499 of 2015 decided on 12.04.2016 whereby this Court has affirmed the award of the Arbitrator qua others, allowing the compensation for the land acquired in village Bidhipur @₹57,000/- per marla along with benefits that would accrue in view of decision 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, which has subsequently been affirmed by the Hon'ble Supreme Court in **Union of India and another Vs. Tarsem Singh and others 2019 (4) RCR (Civil) 431**.

In order to maintain parity between the claimants as some of them have been allowed the benefit of compensation @₹57,000/- per marla in the same village under the same acquisition, this Court deems it appropriate to allow the compensation @₹57,000/- to the appellant herein along with benefits that have been allowed by the Division Bench of this Court in **M/s Golden Iron and Steel Forging** (supra), which has been affirmed by the Hon'ble Supreme Court in **Tarsem Singh** (supra).

At this stage, learned counsel appearing on behalf of the appellant would contend that similarly situated persons have already been awarded compensation @₹1,15,000/- per marla by the Arbitrator vide its award dated 22.06.2013 and therefore, the appellant would also be entitled to the same amount.

However, since the matter is *sub judice* and has not attained finality whereas the claimants in FAO Nos.3280 and 3499 of 2015 have already received the awarded amount, which has not been challenged, this Court proposes to dispose of the instant appeal in terms of FAO Nos.3280 and 3499 of 2015 decided on 12.04.2016.

(JAISHREE THAKUR)
JUDGE

November 25, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No