

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

FAO No.5604 of 2018 (O&M)

Date of Decision: February 07, 2019

Raghubir Singh

...Appellant

Versus

Government of India and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

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

None for respondent No.1.

Mr. Ish Puneet Singh, Advocate
for respondents No.2 and 3.

JAISHREE THAKUR, J. (Oral)

CM-18894-CII-2018

This is an application for condonation of delay of 1605 days in
filing the appeal.

Reply filed by learned counsel for NHAI is taken on record.

Counsel for the NHAI has argued that delay can be condoned
subject to the condition that in case the appeal is allowed the applicant
-appellant would not be entitled to any interest for the period of delay.

On the other hand counsel for the applicant-appellant 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 has been filed by the landowners against the order and judgment dated 09.01.2014 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.

February 07, 2019
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No