

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(208)

CR-2512-2018 (O&M)

Date of Decision: August 19, 2020

National Highways Authority of India and another .. Petitioners

Versus

Yugbir Chand @ Bir Chand & others

.. Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.K. Singal, Advocate, for the petitioners.

Mr. Shailender Mohan, Sr. Advocate, with
Ms. Peeyushi Dewan Jain, Advocate, for the respondents.

HARSIMRAN SINGH SETHI, J.(ORAL)

The present petition has been filed challenging the order dated 28.03.2018 (Annexure P-8) passed by the Additional District Judge, Panchkula by which, the proceedings before the Executing Court were allowed to continue and the prayer of the petitioners for staying the execution proceeding was rejected.

This Court while issuing notice of motion on 20.04.2018 passed the following order:-

“Heard.

Notice of motion for 28.8.2018.

In the meanwhile, petitioners are directed to deposit 50% of the balance compensation amount as calculated by respondent no. 1 within one month from today before the executing court. However, the same shall not be released in the meantime and

shall be deposited by way of FDR where it will draw maximum rate of interest.

Further proceedings before the executing court shall remain stayed subject to deposit of aforesaid amount.”

Keeping in view the above order, the landowners are yet to get the enhanced compensation.

During the course of hearing, learned counsel for the parties are agreeable that the proceedings which are pending before the Additional District Judge, Panchkula under Section 34 of the Arbitration and Conciliation Act, 1996 be directed to be finalized within a period of two months so that, whatever the compensation the landowners are entitled for, could be disbursed to them. Learned counsel for the parties are further agreed that till the proceedings under Section 34 of the Arbitration and Conciliation Act, 1996 are decided by the Additional District Judge, Panchkula, the proceedings before the Executing Court be remain stayed but after the decision is rendered by the District Judge, Panchkula, in respect of the proceedings under Section 34 of the Arbitration and Conciliation Act, 1996, the said decision be executed by the Executing Court in accordance with law expeditiously so that, the landowners are able to get the compensation for which they are held entitled for, without any further delay.

Keeping in view the above prayer of the counsel for the parties, the present petition is disposed of with a direction to the Additional District Judge, Panchkula to dispose of the proceedings pending under Section 34 of the Arbitration and Conciliation Act, 1996 before the said Court within a period of two months from today as, the said proceedings are stated to be pending at the final stage and as informed the same are now fixed for hearing on 24.08.2020. Till the decision is rendered by the Additional District Judge,

Panchkula in respect of the proceedings under Section 34 of the Arbitration and Conciliation Act, 1996, execution proceedings shall remain stayed and after the decision is rendered in respect of the proceedings under Section 34 of the Arbitration and Conciliation Act, 1996, the said decision be executed by the Executing Court in accordance with law, subject to any order to be passed by the Competent Court of Law.

In view of the order passed in the main petition, no further orders are required to be passed in the pending applications in this petition.

August 19, 2020
harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No