

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

CWP-21732-2021 (O&M)

Date of decision: 10.11.2021

Ram Pal

...Petitioner

Versus

Union of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.S.K.Singla, Advocate for the petitioner
Mr. Abhilaksh Gaiind, Advocate for NHAI
Ms.Harsimrat Rai, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

On 28.10.2021, the following order was passed by this

Court:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner complains that after acquiring his property under the National Highways Act, 1956, the competent authority has assessed the compensation as Rs.91,30,196/- to be payable to the petitioner for building and structure vide an award dated 05.10.2020. However, for the last one year, the aforesaid payment has not been released. Learned counsel representing the petitioner contends that in response to the legal notice, the National Highways Authority has sent a reply which reads as under:-

“In reference to your legal notice under reference regarding release of payment of Sh.Rampal son Beeru Ram resident of Village Jainpur Tehsil Ludhiana (West), District Ludhiana.

In this regard, the said proposal has already been sent to RO office Chandigarh for approval and the same shall be conveyed to SDM, West cum CALA after requisite approval from the competent authority of NHAI.

This is for your kind information please.”

He contends that the competent authority

is statutorily bound to release the amount forthwith.

Notice of motion.

At the request of the Court, Mr. Navdeep Chhabra, DAG, Punjab, accepts notice on behalf of respondent no.4 and prays for some time.

Generally, National Highway Authority of India is represented by Sh.R.S.Madan, Advocate. Hence, let the office issue notice to Sh.R.S.Madan regarding the pendency of the writ petition.

Learned counsel for the petitioner is also requested to supply a copy of the writ petition to Sh.R.S.Madan.

List on 10.11.2021, in urgent.”

Learned counsel representing the petitioner admits that the aforesaid amount of Rs.91,30,196/- stands paid to the petitioner.

However, he submits that there is a delay in release of the amount.

Per contra, learned counsel representing the NHAI submits that there is an error in the previous award which has now been revised and payment thereunder has been released.

The owner is entitled to file an application to the Central Government for referring the matter to the Arbitrator to be appointed by the Central Government for determination of the amount.

In view thereof, the petitioner shall be at liberty to file an application to the Central Government in this regard.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

10.11.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE