

**127 & 128 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1.CWP-4325-2022 (O&M)

Mandeep Boora and another

....Petitioners

Versus

Union of India and others

..Respondents

2.CWP-4390-2022 (O&M)

Ashok Kumar Jain

....Petitioner

Versus

Union of India and others

..Respondents

Date of decision: 09.03.2022

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nitin Jain, Advocate for the petitioners
 in both the petitions
 Mr. R.S.Madan, Advocate for NHAI
 Mr. Samarth Sagar, Addl. AG, Haryana

ANIL KSHETARPAL, J (Oral)

By this order, two civil writ petitions i.e CWP-4390-2022 and CWP-4325-2022, which are identical in nature, shall stand disposed of.

The petitioners pray for issuance of a writ in the nature of Mandamus to direct the respondents to pay the statutory interest on the amount of compensation paid in view of the supplementary award dated 07.12.2020. The land has been acquired by the Union of India in exercise of its powers under the National Highways Act, 1956 (hereinafter referred to as 'the 1956 Act'). The competent authority for the land acquisition nominated under the 1956 Act passed the first

award on 30.01.2015 and the amount was paid to the petitioners. The petitioners opted to avail the remedy of referring the matter to the Arbitrator in accordance with Section 3G (5) of the 1956 Act. The proceedings before the Arbitrator are pending. A supplementary award was passed on 07.12.2020. The petitioners claim that they have not been granted statutory interest in terms of the provisions of Section 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013.

It is also not in dispute that the proceedings under Section 3H(4) of the 1956 Act are also pending before the Principal Civil Court of the District. The learned counsel representing the petitioners admits that the Arbitrator has the enabling power to award interest as claimed in the writ petition.

On 07.03.2022, Sh. Samarth Sagar, Additional Advocate General, Haryana, was requested to apprise the Court of the reasons as to why the Arbitrator has not been able to finally decide the matter. Today Sh. Samarth Sagar, on instructions from Dr. Priyanka Soni, Deputy Commissioner-cum-Arbitrator, Hisar, has stated that the arbitration proceedings will be concluded within a period of three months from today.

Keeping in view the aforesaid facts, this Court is not inclined to issue any writ, particularly, when the Arbitrator is already seized of the matter and while passing the award, the Arbitrator can grant the appropriate relief, in accordance with law. Learned counsel

representing the petitioners submits that the matter was referred to the Arbitrator in pursuance to the award dated 30.01.2015 passed by the competent authority but there is no reference after the supplementary award dated 07.12.2020. As per the provisions of the Act, the Arbitrator is appointed under the National Highways Act, 1956 and therefore, he is a statutory arbitrator. Such Arbitrator is required to adjudicate upon the rights of the parties with regard to entitlement of the compensation for acquisition of the land including the amount of interest as well other statutory benefits. The word compensation includes not only the market value but also other statutory benefits.

Hence, the Arbitrator is requested to decide the claim of the petitioners, as claimed in the writ petition while passing the award.

Disposed of.

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

09.03.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE