

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

CWP-1271-2023

Date of Decision: October 30, 2023

RAJIV KANSAL

..... Petitioner

Versus

UNION OF INDIA AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ankit Joshi, Advocate for petitioner.

Mr. R.S. Madan, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

By way of present writ petition, challenge has been laid to an order dated 15.11.2022 passed by the Executing Court at Bathinda whereby, an Execution application filed at the instance of petitioner-landowner has been dismissed for want of territorial jurisdiction with an observation that the same be presented before Competent Court at Faridkot.

2. In the present case, certain land owned by petitioner, situated within revenue estate of Village Amargarh, District Bathinda came to be acquired vide notification dated 05.07.2013, issued under Section 3A of National Highways Act, 1956 (hereinafter referred to as 1956 Act) followed by award dated 07.11.2014 passed under Section 3(a) thereof.

3. Aggrieved thereof, the petitioner invoked arbitration under Section 3G of 1956 Act wherein, award by the statutory arbitrator was passed on 17.12.2019. Based thereupon, the petitioner presented execution application before the Civil Court of Original Jurisdiction,

Bathinda which came to be dismissed for want of territorial jurisdiction, relying upon certain observations made by this Court in its order dated 30.09.2022 passed in Civil Revision No.259-2022 titled as “National Highway Authority of India and Another Vs. Yashpreet Singh and Another”.

4. While impugning the order passed by the Executing Court and relying upon a decision dated 15.02.2018 passed by the Apex Court in Civil Appeal No.1650-2018 titled as “Sundaram Finance Limited Vs Abdul Samad and Anr.”, learned counsel for the petitioner submits that an execution application pertaining to an arbitral award can be filed anywhere in the Country. Para 22 of aforesaid judgment is reproduced hereunder:-

“22. We are thus, unhesitatingly of the view that the enforcement of an award through its execution can be filed anywhere in the country where such decree can be executed and there is no requirement for obtaining a transfer of the decree from the Court, which would have jurisdiction over the arbitral proceedings.”

5. On the other hand, learned counsel for respondent has not been able to oppose the aforementioned legal position as expounded in case of “Sundaram Finance Limited” (supra).

6. I have heard learned counsel for the parties and gone through the paper-book as well as law cited at the Bar. I find merit in the submissions made on behalf of the petitioner.

7. A perusal of judgment passed in Sundaram Finance Limited (Supra) shows that an execution application as regards an arbitral award can be filed anywhere in the Country where such decree can be

executed and there is no requirement for obtaining a transfer of decree from the Court which would have jurisdiction over the arbitrary proceedings.

8. In view of the above, the properties of the respondents being situated at Bathinda as well, any decree against respondents was executable at Bathinda also and as such the Court at Bathinda was competent, having jurisdiction and authority to entertain the execution application filed at the instance of petitioner, seeking enforcement of arbitral award dated 17.12.2019.

9. In view of the aforesaid discussion, the impugned order dated 15.11.2022 passed by the Executing Court is hereby set aside with a direction that the execution application bearing No.132-2022 titled as "Rajiv Kansal Vs. Union of India Etc." be entertained and disposed of as expeditiously as possible preferably within a period of six months from today, considering the fact that acquisition proceedings in the present case commenced with the issuance of notification dated 05.07.2013 under Section 3A of 1956 Act i.e. almost nine years back.

10. Disposed of in the aforesaid terms.

30.10.2023

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(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>