

2023:PHHC:068043

Civil Revision No. 7865 of 2018 & connected case [1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 11th May, 2023

(1) Civil Revision No. 7865 of 2018 (O& M)

National Highway Authority of India

Petitioner

Versus

Sunil Kumar and others

Respondents

(2) Civil Revision No. 7872 of 2018 (O& M)

National Highway Authority of India

Petitioner

Versus

Nirmal Kumar and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Chetan Mittal, Senior Advocate with
Mr. Mayank Aggarwal and Mr. Mahender Joshi, Advocates
for National Highway Authority of India.
Mr. Naresh Kaushal and Mr. Ranjit Saini, Advocates
for the respondents.

AVNEESH JHINGAN, J (Oral):

1. This order shall dispose of the above mentioned two revision petitions as the facts and issues involved are similar. The facts are being considered from Civil Revision No. 7865 of 2018.

2. This revision petition is filed seeking quashing of order dated 9.10.2018 passed on the application filed by National Highway Authority of India (for short, 'NHAI') in the execution proceedings.

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3. The relevant facts are that land of respondents No. 1 to 4, situated at village Verka, District Amritsar was acquired for widening and four-laning of NH-15. The competent authority determined the compensation on 31.5.2010. The arbitration proceedings initiated at the instance of the land owners culminated in award dated 29.9.2011. The compensation amount was enhanced by this court on 14.9.2016. The decision was reviewed vide order dated 20.12.2017.

4. It is admitted case that the amount awarded has attained finality as the review filed by NHAI before the Supreme Court was also dismissed. Learned counsel for the parties are *ad idem* that the amount of compensation as enhanced by this court has been paid.

5. The only surviving grievance as on date is with regard to calculation of the un-paid amount including statutory benefits and interest on interest.

6. The present petition is pending since 2018 and much water has flown thereafter. The issue of statutory benefit and of interest under section 31(7)(b) of The Arbitration and Conciliation 1996 Act have been decided by Supreme Court in ***Union of India and another v. Tarsem Singh and others, 2019(9) SCC 304*** as clarified in ***National Highway Authority of India and another v. Tehal Singh and others, Civil Appeal No. 7086 of 2019 decided on 30.07.2021*** and ***M/s Hyder Consulting (UK) Ltd. v. Governor, State of Orissa through Chief Engineer, 2015(2) SCC 189.***

7. In view of the settled position of law on the issues of statutory benefits and interest on interest, the impugned order dated 9.10.2018 is set

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aside. The matter is remitted back to the executing court to decide the execution in accordance with law.

8. Both the parties shall file their calculations within four weeks from today by exchanging the copies and file their respective objections thereafter.

9. There is no doubt that considering that the acquisition is of the year 2010, an earnest effort would be made by the executing court to conclude the execution as expeditiously as possible.

10. The revision petitions are disposed of.

11. Since the main petitions have been disposed of, pending application(s), if any, is rendered infructuous.

12. Photocopy of the order be placed on the file of connected case.

[AVNEESH JHINGAN]
JUDGE

11th May, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |