

FAO No. 1345 of 2019

[1]

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

FAO No. 1345 of 2019

Date of decision: 17th March, 2023

Tek Chand (Paul) deceased through legal heirs

Appellants

Versus

Union of India and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Munish Puri, Advocate for the appellants.
Mr. R. S. Madan, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

1. This appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') is filed aggrieved of order dated 13.3.2014 allowing the objections filed by Union of India/NHAI.

2. Brief facts are that land of the appellant situated in village Daulatpur, District Pathankot was acquired for widening of National Highway No.-1A (Jalandhar to Pathankot). The compensation was determined by the competent authority. The issue with regard to the compensation to be awarded was referred for arbitration which culminated in award dated 18.9.2009. In objections filed by Union of India/NHAI, the award was set aside on 20.11.2010 and the matter was remanded back. After remand, award dated 25.7.2011 was passed. Aggrieved of the award Union of India/NHAI filed objections under Section 34 of the Act which were allowed vide order dated 13.3.2014, hence the appeal by the land

owners.

3. Learned counsel for the appellants submits that the arbitrator had awarded Rs.4,50,000/- per marla for the land acquired; interest @ 9% per annum from the date of notification till the payment is released and in case of delay of payment of enhanced price beyond 90 days @ 15% per annum and interest @ 18% if the payment is made after six months of announcement of the award and solatium as per the Land Acquisition Act, 1894 (for short, 'the 1894 Act'). He further submits that the issue with regard to valuation of land of this village has attained finality as per the decision of this court in FAO No. 9678 of 2014 the Special Leave Petition against which was dismissed. On instructions from client, the contention is that the appellant is satisfied if interest as per Section 28 of the 1894 Act is granted.

4. The law is well settled that the land owners are entitled to interest and solatium as laid down in *M/s Golden Iron and Steel Forging v. Union of India and others, 2011(4) RCR (Civil) 375* and *Union of India and another v. Tarsem Singh and others, 2019(9) SCC 304*

5. Learned counsel for Union of India fairly submits that the dispute with regard to valuation of land qua this village and grant of solatium and interest under Section 28 of the 1894 Act is no longer in existence.

6. In view of the statements made by learned counsel for the parties and the settled position of law, the impugned order dated 13.3.2014 is set aside and there is no dispute pending necessitating remand or fresh arbitration. The appellants are held entitled to value of the land as upheld in

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FAO No.9678 of 2014 and interest and solatium as per the provisions of the
1894 Act.

7. The appeal is disposed of.

[AVNEESH JHINGAN]
JUDGE

17th March, 2023
mk

1. Whether speaking/ reasoned
- :
- Yes / No
2. Whether reportable
- :
- Yes / No