

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

108

2023:PHHC:112543-DB

CWP-12323-2023

Date of Decision: 28.08.2023

Amit Goyal

.....Petitioner(s)

Versus

Union of India and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Gautam Diwan, Advocate,
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. S.K. Sahora, Advocate,
for NHAI.

Mr. Ashish Kapoor, Advocate,
for respondent No.6.

G.S.SANDHAWALIA, J. (Oral)

1. The petitioner, in the present writ petition filed under Article 226 of the Constitution of India, presses for the limited claim for decision of Reference Petition (Annexure P-4) filed under Section 3G(5) of the National Highways Act, 1956 (in short 'the Act') under Section 3E in respect of land acquired for widening of the National Highway No.352W, Rewari-Pataudi-Gurugam against the award dated 14.07.2020 (Annexure P-3). The land is stated to be situated in village Chillar, Tehsil and District Rewari.

2. Apparently, the petitioner has also been asked to shift his petrol pump and put it beyond the right of way (ROW) of NHAI within 15 days. The reference petition was filed on 26.10.2021 (Annexure P-4) and as per letter dated 27.05.2022 (Annexure P-5), the matter has been referred to the

Arbitrator for enhancement against the award dated 14.07.2020 (Annexure P-

3). It is, thus, the grouse of the petitioner that for the last almost two years, the matter is not being decided and is still fixed for purposes of completing service.

3. Notice of motion.

4. Mr. Deepak Bhardwaj, DAG, Haryana accepts notice on behalf of the State and confirms the factum that the matter is fixed before the Arbitrator for 06.10.2023 for appearance of the parties.

5. Keeping in view the limited prayer made, we do not propose to call for the reply as it would only delay the proceedings.

6. Accordingly, we are of the considered opinion that considerable period has gone by and, therefore, steps shall be taken by the Deputy Commissioner, Rewari to expedite the decision of the reference petition and decide the same within a period of 6 months from the date of receipt of certified copy of the order.

7. Ordered accordingly. It is made clear that there is no interim order operating in favour of the petitioner in view of the limited prayer of the petitioner and since the counsel has not been able to sustain his arguments regarding the re-location as he has already received the compensation as per the Award and is only now claiming enhanced compensation.

8. Writ petition stands disposed of accordingly.

(G.S. SANDHAWALIA)
JUDGE

28.08.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE