

FAO No. 1969 of 2017

[1]

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

FAO No. 1969 of 2017

Date of decision: 17th March, 2023

Ashok Kumar and others

Appellants

Versus

Union of India and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. S. Manhas, 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 15.5.2014 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 27.8.2009. In objections filed by Union of India/NHAI, the award was set aside on 11.12.2010 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 15.5.2014, hence the appeal by the landowners.

3. Learned counsel for the appellant submits that valuation of the similarly situated land regarding the same acquisition pertaining to same 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.

4. Learned counsel for Union of India on instructions is not disputing the factual aspect as contended by learned counsel for the appellant and submits that the issue of value of land is no longer in dispute. He submits that issue with regard to compensation awarded under other heads is contested.

5. Learned counsel for the appellants submits that to buy peace of mind and to put an end to the litigation, the appellants forego their claim for the amount awarded for structure and loss of business.

6. In view of the above statements made by learned counsel for the parties, the appeal is disposed of with the direction that the appellants shall be entitled to compensation for the land acquired as already granted by NHAI to other similarly situated land owners of the same village along with 30% solatium awarded by the arbitrator and interest under Section 28 of the Land Acquisition Act, 1894.

7. Considering that the matter is now settled and the acquisition is of the year 2004, there is no doubt that the respondents will ensure disbursement of the remaining amount as expeditiously as possible.

8. Since the main case has been disposed of, the pending application, if any, is rendered infructuous.

[AVNEESH JHINGAN]

JUDGE

17th March, 2023

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