

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO No. 509 of 2017 (O&M)
Date of decision: 8th May, 2023

Union of India and another

Appellants

Versus

Shakuntla Sharma and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. S. Madan, Advocate for the appellants.
Mr. Dheeraj Mahajan, Advocate for the respondents.
Mr. Charanpreet Singh, AAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short, the 1996 Act') is filed aggrieved of dismissal of objections under Section 34 of the 1996 Act.

2. The brief facts are that the land of the respondents (hereinafter referred to as 'the land owners') situated in village Souli Bhouli, Tehsil Pathankot, District Gurdaspur was acquired for widening and four laning of NH-1A. The notification under Section 3A of the National Highways Act, 1956 (for short, 'the 1956 Act') was published on 5.10.2005. Thereafter, notification under Section 3D of the 1956 Act was issued. The competent authority determined the compensation @ Rs.30,000/- per marla. The arbitration proceedings initiated at the instance of the land owners culminated in award dated 17.3.2011. The operational part of the arbitral award is reproduced below:

“Land price is enhanced as under:

1. *Price of land enhanced @ 1.750 lacs per marla upto 25' depth along G. T. Road and Rs.70,000/- per marla beyond 25' depth.*
2. *Severance compensated @ 50% price to be paid to balance land and maximum up to Rs.2.0 lacs (if partial acquisition proved).*
3. *The enhanced price will be paid within 90 days from issue of this order at 9% p.a. interest from date of notification of land till payment is released.*
4. *In case of delay of payment of enhanced price beyond 90 days rate of interest would be 15% p.a. from the date of notification of land. 18% interest would be charged if payment is made after 6 months of announcement of this Award. The NHAI needs to compensate the land owners/business owners with just and reasonable compensation and within reasonable time.*
5. *Price already paid to be deducted from enhanced amount.*
6. *Solatium to be paid as per the provisions in the Land Acquisition Act."*

3. Learned counsel for the land owners submits that the issue of quantum of compensation awarded for the same acquisition and for the same village had attained finality in the case of ***Union of India and another v. Des Raj and another***, FAO No. 7004 of 2017 and connected appeal decided on 17.12.2018. He submits that the said order was accepted by Union of India/NHAI. He further on instructions submits that to put an end to the litigation, his clients are not claiming severance and has no objection if interest is awarded as per the decision of the 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.*

4. Learned counsel for the appellant is not in a position to distinguish the facts of the present case vis-a-vis the decision in *Des Raj's case (supra)*. Further in view of statement made by learned counsel for the land owners, learned counsel for the appellant submits no grievance against arbitral award survives.

5. In view of the fact that the decision in *Des Raj's case (supra)* has been accepted by NHAI and same compensation was awarded in the case in hand, no interference is called for in the amount of compensation determined by the arbitrator. Further that the land owners have given up damages for severance and shall be claiming interest as per the decision of the Supreme Court in *Tarsem Singh's case (supra)*. The appeal is accordingly disposed of.

[AVNEESH JHINGAN]
JUDGE

8th May, 2023
mk

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