

FAO No. 2503 of 2018

[1]

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

FAO No. 2503 of 2018

Date of decision: 17th March, 2023

Indu Bala

Appellant

Versus

Union of India and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. S. Manhas, Advocate for the appellant.
Mr. R. S. Madan, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

This appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') is filed aggrieved of order dated 4.1.2014 allowing the objections filed by Union of India/NHAI.

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 25.9.2009. In objections filed by Union of India/NHAI, the award was set aside on 7.10.2011 and the matter was remanded back. After remand, award dated 9.12.2012 was passed. Aggrieved of the award Union of India/NHAI filed objections under Section 34 of the Act which were allowed vide order dated 4.1.2014, hence the appeal filed by the land owner.

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 and the Special Leave Petition against which was

dismissed.

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 and also grant of solatium and interest under Section 28 of the Land Acquisition Act, 1894 (for short, 'the Act'). He submits that issue with regard to compensation awarded under other heads is contested.

Learned counsel for the appellant submits that to buy peace of mind and to put an end to the litigation, the appellant foregoes her claim for the amount awarded for structure and loss of business.

In view of the above statements of learned counsel for the parties, the appeal is disposed of with the direction that the appellant shall be entitled to compensation amount 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 Act.

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 |