

CR-1968-2024 and
CR-2006-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CR-1968-2024
Date of decision:03.04.2024

NATIONAL HIGHWAYS AUTHORITY OF INDIA
... PETITIONER

V/S

ISHAR SINGH AND OTHERS
... RESPONDENTS

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CR-2006-2024

NATIONAL HIGHWAYS AUTHORITY OF INDIA
... PETITIONER

V/S

CHARANJIT SINGH AND OTHERS
... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vikas Chatrath, Advocate,
Mr. Abhishek Singla, Advocate,
Ms. Tanya Sehgal, Advocate and
Mr. B.P.S. Thakur, Advocate
for the petitioner in both cases.

SUVIR SEHGAL J. (ORAL)

1. This order shall dispose of the above mentioned petitions.
2. For the sake of convenience, factual position is being taken from
CR-1968-2024.

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3. Instant revision petition has been filed under Article 227 of the Constitution of India for setting aside order dated 30.10.2023, Annexure P-6, whereby application filed by the petitioner under Section 36 (2) of the Arbitration and Conciliation Act, 1996, (for short “the Act”) has been allowed and stringent conditions have been imposed.
4. Counsel for the petitioner submits that land belonging to the private respondent No.1 was acquired for widening and construction of National Highway No.71 (Sangrur to Punjab/Haryana Border Section) in District Patiala. Competent Authority-cum-SDM Patiala awarded compensation to the land owners vide award dated 07.11.2014, Annexure P-1. Dissatisfied with the award, land owners filed a petition before the Commissioner-cum-Arbitrator, Patiala, who vide award dated 03.01.2020, Annexure P-2, enhanced the compensation. Counsel submits that the petitioners filed objection petition under Section 34 of the Act, which is pending. On an application filed under Section 36 (2) of the Act, the learned Additional District Judge by the impugned order stayed the operation of the award, subject to deposit of the entire enhanced amount along with interest in terms of the award and directed that 50% of the amount be released to the land owners, subject to their furnishing indemnity bonds and the balance amount be kept in a Fixed Deposit till the disposal of the objections. He has placed reliance upon the judgments of the

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Supreme Court in *The Project Director National Highways Authority of India Versus Saraswatibai Chandrakant Shinde and others, 2022 (5) R.A.J. 371* and *National Highways Authority of India Versus Sheetal Jaidev Vade and others, 2022 (5) R.A.J. 651* to submit that the impugned order deserves to be modified in terms of the observations made by the Supreme Court.

5. Issue notice restricted to respondents No.1 to 3.
6. Mr. Ranjit Saini, Advocate and Mr. Nitin Mehta, Advocate have put in appearance on behalf of respondent No.1 in both cases and filed separate Memorandum of Appearance, which are taken on record. Ms. Amrita Garg, AAG, Punjab, accepts notice on behalf of respondents No.2 and 3 in both cases.
7. Counsel representing claimant-land owner does not have any objection in case the same course is adopted as has been done by the Supreme Court.
8. In view of the consensus between the parties, the impugned order, Annexure P-6, is modified with the following directions:-

(i) NHAI shall deposit 50 per cent of the compensation amount, as awarded by the Arbitral Court, with the Executing Court within a period of four weeks. The said amount shall be released to the land owners unconditionally.

(ii) The learned District Court, before whom the proceedings under Section 34 of the Act are pending, shall make an endeavour to decide such proceedings within a period of six months.

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- (iii) The balance amount of compensation as per the order to be passed under Section 34 of the Act, shall be deposited by the NHAI with the Executing Court within four weeks after such determination. The said amount shall also be released by the Executing Court in favour of the land owners subject to the rights and remedies available to the parties in law.
9. Both the petitions are disposed of.

03.04.2024
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No