



CR-2650-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(127-1)

CR-2650-2024

Date of decision:- 17.05.2024

Darshan Singh

... Petitioner

Versus

Union of India and others

... Respondents

(127-2)

CR-2662-2024

Harvinder Singh

... Petitioner

Versus

Union of India and others

... Respondents

(127-3)

CR-2676-2024

Hardayal Singh

... Petitioner

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ranjit Saini, Advocate and
Mr. Nitin Mehta, Advocate
for the petitioners.

Ms. Amrita Garg, AAG, Punjab
for respondents No.3 in CR-2650-2024,
for respondent No.4 in CR-2662-2024 and
for respondent No. 5 in CR-2676-2024.

Mr. Vibhor Bansal, Advocate
Senior Panel Counsel
for respondent No.1-UOI in CR Nos. 2650 and 2662 of 2024.

Mr. Ashish Chaudhary, Advocate
Senior Panel Counsel
for respondent No.1-UOI in CR-2676-2024.



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Mr. K.P.Singh, Advocate for
Mr. K.S.Kang, Advocate
for respondent No.4 in CR-2650-2024,
for respondent No. 2 in CR-2662-2024 and
for respondent No.3 in CR-2676-2024.

SUVIR SEHGAL, J. (ORAL)

1. This order shall dispose of above mentioned three civil revisions bearing **CR-2650-2024** titled as “***Darshan Singh Versus Union of India and others***”, **CR-2662-2024** titled as “***Harvinder Singh Versus Union of India and others***”, and **CR-2676-2024** titled as “***Hardayal Singh Versus Union of India and others***”.
2. For sake of convenience, facts are being taken from CR-2650-2024.
3. Instant petition has been filed under Article 227 of the Constitution of India for modification of order dated 27.09.2022, Annexure P-4, passed by the learned Additional District Judge, Patiala, whereby while allowing the application under Section 36 (2) of the Arbitration and Conciliation Act, 1996 (for short “the Act”), filed by respondent No.1, learned Additional District Judge had stayed the operation of the award dated 24.04.2020 till the disposal of the objection petition filed under Section 34 of the Act, subject to deposit of the entire enhanced amount along with requisite interest in term of award dated 24.04.2020 passed by the Arbitrator.
4. Counsel for the petitioners submits that the land belonging to the petitioners was acquired for widening of four laning and maintenance,



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management etc. of National Highway No. 71. He submits that aggrieved with the quantum awarded by the Competent Authority-cum-SDM, land owners approached the Commissioner, who passed an award dated 24.04.2020, Annexure P-1, enhancing the compensation. He submits that National Highway Authority of India-respondent No.4 filed objections under Section 34 of the Act along with application under Section 36 (2), *ibid*, before the learned Additional District Judge, Patiala. He submits that the objections are pending, whereas by impugned order dated 27.09.2022, Annexure P-4, the learned Additional District Judge accepted the application under Section 36 (2) of the Arbitration Act and stayed the operation of the award till the disposal of the objection petition, subject to the deposit of the entire enhanced amount along with interest within a period of four months. By placing reliance upon the judgments of 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*, he submits that the impugned order deserves to be modified in the terms as the observations made therein.

5. Counsel for the respondent No.1 has opposed the prayer made in the petition.

6. I have heard counsel for the parties.

7. Considering the judgments passed by the Supreme Court, impugned order, Annexure P-4, 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 if not done so far. 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.

(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.

8. Petitions are disposed of.

17.05.2024
Kamal

(SUVIR SEHGAL)
JUDGE

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