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

(128)

CR-2952-2024

Date of decision:- 17.05.2024

Amarjit Singh and others**... Petitioners****Versus****Union of India and others****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Ranjit Saini, Advocate and
Mr. Vikram Rathore, Advocate for the petitioners.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Article 227 of the Constitution of India for modification of order dated 04.05.2024, 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 29.03.2023 till the disposal of the objection petition filed under Section 34 of the Act, subject to deposit of 50% of the enhanced amount and ordered its release, subject to furnishing bank guarantee. It has been further ordered that the balance 50% of enhanced awarded amount be deposited within a period of four weeks from the date of final disposal of the objection petition under Section 34 of the Act.



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2. Counsel for the petitioners submits that the land belonging to the petitioners was acquired for widening of National Highway No. 15. He submits that aggrieved with the quantum awarded by Authority-cum-SDM, land owners filed a petition before the Commissioner, who passed an award dated 29.03.2023, Annexure P-1, enhancing the compensation. He submits that National Highway Authority of India-respondent No.2 has filed objections under Section 34 of the Act along with application under Section 36 (2), *ibid*, before the learned Additional District Judge, Bathinda. He submits that the objections are pending, whereas by impugned order dated 04.05.2024, 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 as noticed above. 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*** as well as order dated 26.02.2024, Annexure P-9, passed by this Court, he submits that the impugned order deserves to be modified in the terms as the observations made therein.

3. Issue notice to the respondents.

4. Ms. Geeta Singhwal, Advocate, Senior Panel Counsel accepts notice on behalf of respondent No.1-UOI. Mr. Dharamvir Singh, Advocate for Mr. Vikas Chatrath, Advocate accepts notice on behalf of



respondent No.2-NHAI. On asking of the Court, Ms. Amrita Garg, AAG, Punjab accepts notice on behalf of respondents No.3 to 5.

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. Petition is disposed of.

17.05.2024
Kamal

(SUVIR SEHGAL)
JUDGE

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