

**CR-3361-2024;
CR-3349-2024; and
CR-3403-2024**

2024:PHHC:134023



238 (3 CASES)

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

(1) **CR-3361-2024**

Prem Kaur and another

...Petitioners

Versus

Union of India and others

...Respondents

(2) **CR-3349-2024**

Nachattar Singh and others

...Petitioners

Versus

Union of India and others

...Respondents

(3) **CR-3403-2024**

Nitin Kumar @ Nitin Sethi

...Petitioner

Versus

Govt. of India and others

...Respondents

Date of decision:-14.10.2024

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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Present: Mr.Ranjit Saini, Advocate
for the petitioners in **CR-3361-2024** and **CR-3349-2024**

Mr.Aditya Anand, Advocate
for the petitioner in **CR-3403-2024**.

Mr.Suvir Kumar, Advocate
for respondents No.1 to 3 in **CR-3361-2024**.

Mr.Saransh Sabharwal, Advocate,
Mr.Bhanu Kathpalia, Advocate,
Ms.Samdisha Kaur, Advocate,
Mr.Amanpreet Singh, Advocate
for respondent No.2 in CR-3349 of 2024 and CR-3403 of
2024.

Ms.Geeta Singhwal, Advocate
for respondent No.1 in **CR-3403-2024**.

Mr.Rohit Ahuja, DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

1. This order shall dispose of all the above-noted petitions as they involve common questions of law and fact. For the sake of convenience, factual position is being taken from **CR-3361-2024**.
2. Instant petition has been filed under Article 227 of the Constitution of India for modification of order dated 04.05.2024 passed by the learned Additional District Judge, Bathinda.
3. Mr. Saini, counsel for the petitioners submits that petitioners were owners of land in revenue estate of village Jeeda, Tehsil and District Bathinda, which was acquired for widening of National Highway No.15 vide notifications issued under the National Highway Act, 1956. He submits that the compensation for the acquired land was determined by

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the Collector vide order dated 07.11.2014. On reference made by the landowners, Commissioner, Faridkot was appointed as an Arbitrator, who passed award dated 24.05.2023, Annexure P1, enhancing the compensation. He submits that objections, Annexure P2, under Section 34 of the Arbitration and Conciliation Act, 1996 have been preferred along with an application under Section 36 (2) of the Act. He asserts that the application was contested by the landowners by filing reply, Annexure P4, and by virtue of order, Annexure P5, application was allowed and the relevant extract of the order passed is reproduced as under:

“14. There is no material on record to observe at this stage, that the impugned award was induced by any fraud or corruption and thus no ground is made out for grant of unconditional stay upon the operation of the impugned award. Accordingly in view of the aforesaid discussion as well as the aforesaid propositions of law, the application of the applicants/petitioners is allowed and the operation of the impugned arbitral award is stayed till the disposal of the objection petition under Section 34 of the 1996 Act, subject to the applicants/petitioners depositing 50% of the enhanced amount (as per the arbitral award) with the executing Court within a period of four weeks alongwith the calculation sheet of the calculated amount. Since there is a dispute involved qua the question whether the reference petition was filed within period of limitation or not, so the aforesaid amount shall be released to the landowners only



subject to their furnishing bank guarantee, which shall be minimum to the tune of the amount to be released, to the satisfaction of learned executing court. The applicants/petitioners shall also deposit the balance 50% of the enhanced amount within a period of 4 weeks from the date of final disposal of the objection petition under Section 34 of the Act of 1996. Any observation of mine in this order shall not be construed to be an expression on the merits of the case.”

4. Placing reliance upon the order passed by this Court in **Teja Singh (since deceased) Versus Union of India and others, Law Finder Id # 2584234**, which has been modified by the Hon’ble Supreme Court by order dated 14.08.2024 passed in SLP (Civil) No.17708 of 2024 titled as “National Highway Authority of India Versus Pardeep Singh & Ors.”, he submits that order, Annexure P5, deserves to be modified.

5. Counsel representing the respondents have, however opposed the prayer.

6. Having heard counsel for the parties, this Court is of the view that the condition of furnishing bank guarantee imposed by the learned Additional District Judge is harsh and oppressive. Imposition of such a condition by the Court, practically amounts to deposit of cash, which cannot be approved of. Moreover, in similar circumstances, Hon’ble Supreme Court while modifying the order passed by this Court in Teja Singh’s case (supra), has permitted the landowners to withdraw 50% of

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the deposited amount, subject to their furnishing adequate security to the satisfaction of the Court concerned.

7. Accordingly, order dated 04.05.2024, Annexure P5, passed by learned Additional District Judge is modified. Instead of furnishing bank guarantee, it is directed that the landowners shall furnish adequate security for the amount released to them to the satisfaction of the Executing Court. The other conditions imposed by the learned Additional District Judge shall remain intact.

8. With the above modification, petitions stand disposed of.

14.10.2024
Brij

**(SUVIR SEHGAL)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No