

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(254-1)		CR-3618-2023 Date of decision:- 26.02.2024
National Highways Authority of India	...	Petitioner
Versus		
Balvir Singh and others	...	Respondents
(254-2)		CR-3646-2023
National Highways Authority of India	...	Petitioner
Versus		
Suhdev Singh and others	...	Respondents
(254-3)		CR-3647-2023
National Highways Authority of India	...	Petitioner
Versus		
Sohan Singh and others	...	Respondents
(254-4)		CR-3710-2023
National Highways Authority of India	...	Petitioner
Versus		
Gurcharan Singh and others	...	Respondents
(254-5)		CR-3648-2023
National Highways Authority of India	...	Petitioner
Versus		
Madwi Kapoor and others	...	Respondents
(254-6)		CR-3651-2023
National Highways Authority of India	...	Petitioner
Versus		
Nazar Singh and others	...	Respondents

CR-3618-2023-2-2024:PHHC:026521

(254-7)

CR-3652-2023

National Highways Authority of India... Petitioner

Versus

Sukhdev Singh and others... Respondents

(255-1)

CR-3727-2023

National Highways Authority of India... Petitioner

Versus

Sarwan Singh and others... Respondents

(255-2)

CR-3737-2023

National Highways Authority of India... Petitioner

Versus

Mehar Singh and others... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vikas Chatrath, Advocate,
Mr. Rajbir Singh, Advocate,
Mr. Sachit Katoch, Advocate and
Ms. Riti Gupta, Advocate
for the petitioner(s) in all cases.

Mr. Ranjit Saini, Advocate
for the respondent(s) No.1
in CR Nos.3737, 3727, 3652 and 3651 of 2023.

Mr. H.P.S.Ishar, Advocate
for private respondent(s)
in CR Nos. 3618, 3646, 3647, 3710 and 3648 of 2023.

SUVIR SEHGAL, J. (ORAL)

1. This order shall dispose of all the above mentioned nine petitions.
2. For the sake of convenience, factual position is being taken from CR-3618-2023.

3. Petitioners are before this Court in a revision petition filed under Article 227 of the Constitution of India for setting aside impugned order dated 13.03.2023, Annexure P-5, passed by the learned Additional District Judge, Patiala.

4. Counsel for the petitioners submits that land belonging to the private respondents was acquired for widening and construction of National Highway No.64 (Patiala-Bathinda Section) in District Sangrur. Competent Authority-cum-SDM Sangrur awarded compensation to the land owners @ Rs.5,000/- per square yards, besides solatium and additional compensation. He submits that dissatisfied with the award, land owners filed a petition before the Commissioner-cum-Arbitrator, Patiala, who vide award dated 21.12.2020, Annexure P-1, enhanced the compensation. Counsel submits that the petitioners filed objection petition under Section 34 of the Arbitration and Conciliation Act, 1996 (for short “the Act”), Annexure P-2, which is pending. He submits that 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 impugned 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 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. Counsel representing claimant-land owners do not have any objection in case the same course is adopted as has been done by the Supreme Court.

6. Accordingly, all the nine petitions are disposed of and the impugned order, Annexure P-5, is modified with the following directions:-

- (i) The 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.
- (iii) The balance amount of compensation as per the Award 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.

(SUVIR SEHGAL)
JUDGE

26.02.2024
Kamal

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