



CR-4047-2024 (O&M) and
CR-4049-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

115 CR-4047-2024 (O&M)
Date of Decision:22.07.2024

Union of India and another
.... Petitioners

Vs

Nachattar Singh and others
.... Respondents
115-2 CR-4049-2024 (O&M)

Union of India and another
.... Petitioners

Vs

Kanwaljit Singh and others
.... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Bhanu Kathpalia, Advocate
Mr. Sameer Sachdev, Advocate
Mr. Saransh Sabharwal, Advocate
Mr. Amanpreet Singh, Advocate
Mr. Sudeep Biswas, Advocate for the petitioners.

Mr. Ranjit Saini, Advocate and
Mr. Vikram Rathore, Advocate
Mr. Chander Kant Rana, Advocate
Mr. Vijay Rana, Advocate
Mr. Aditya Anand, Advocate
for respondents No. 1 to 3 in CR-4047-2024 and
for respondent No.1 in CR-4049-2024.

SUVIR SEHGAL, J.

1. This order shall dispose of both the above noted revision
petitions as they involve common question of law and facts.



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2. For the sake of convenience factual position is being taken from CR No. 4047 of 2024.

3. Instant revision petition has been filed under Article 227 of the Constitution of India *inter alia* for setting aside impugned order dated 04.04.2024 passed by learned Additional District Judge, Bathinda, whereby an application filed by the petitioners under Section 36(2) of the Arbitration and Conciliation Act, 1996 (for short 'the Arbitration Act') has been accepted and a conditional order has been passed.

4. Facts are not in dispute. By virtue of notification published on 05.07.2013 under Section 3-A of the National Highways Act, 1956, land falling within the revenue estate of Village Jeeda, Tehsil and District Bathinda was acquired for the purpose of widening of National Highway. The competent authority announced its award dated 07.11.2014 granting compensation for the acquired land. Aggrieved with the award, land owners filed a reference and the Commissioner, Faridkot Division, vide award dated 24.05.2023, Annexure P-1, enhanced the compensation. Petitioners filed an objection petition, Annexure P-2, under Section 34 along with an application under Section 36(2) of the Arbitration Act, Annexure P-3 for stay of the operation of the award. After contest by the land owners, the application has been accepted by learned Additional District Judge, Bathinda by the impugned order in the following terms:-

“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



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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. The said amount shall be released to the landowners subject to their furnishing indemnity bonds to the tune of double of the said amount with one surety in the like amount or on furnishing of the bank guarantee 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.”

5. Counsel for the petitioners have argued that the Court has erred in passing a conditional order and as there was a substantial enhancement in the compensation vide Award Annexure P-1, the deposit of the entire enhanced amount deserves to be stayed.



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6. On the other hand, counsel for the respondents submits that the impugned order has been passed keeping in view the observations made by the Supreme Court in **Project Director National Highways Authority of India Vs. Saraswatibai Chandrakant Shinde and others**, 2022 SCC OnLine SC 1115, which has been followed by this Court in **National Highways Authority of India Versus Ashok Kumar Garg and others**, CR No. 3174 of 2023, decided on 23.08.2023 and **Amarjit Singh and others Versus Union of India and others**, CR No. 2952 of 2024, decided on 17.05.2024.

7. I have considered the submissions of counsel for the parties.

8. There is no substance in the argument raised by counsel for the petitioners. A perusal of the above reproduced operative part of the impugned order shows that the learned Additional District Judge, Bathinda, had directed the petitioners to deposit 50% of the enhanced amount with the Executing Court and this amount has been ordered to be released to the land owners on furnishing indemnity bond for double the amount with one surety or in the alternative on furnishing of a bank guarantee equivalent to the amount to be released subject to the satisfaction of the Executing Court. This Court is of the view that the interest of the petitioners stands safeguarded with the imposition of the above condition. Insofar as the balance amount is concerned, learned Additional District Judge, Bathinda, has directed its deposit within four weeks from the date of the determination of the objection petition, Annexure P-2, which is pending. The deposit and release of the amount



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awarded by learned Additional District Judge, is in conformity with the observations of the Supreme Court in Saraswatibai Chandrakant Shinde’s case (supra). There is no illegality or infirmity in the order passed by the learned Additional District Judge, Bathinda and the same is affirmed.

9. Both the revision petitions are devoid of any merit and are hereby dismissed with no order as to costs.

22.07.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

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