



FAO-8007-2014(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHFAO-8007-2014(O&M)
Date of Order:-21.11.2024

Govt. of India and another

...Appellants

Versus

Surinder Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr.R.S. Madan, Advocate,
Mr.Mahender Joshi, Advocate and
Mr.Aryan Bhardwaj, Advocate
for the appellant.

Mr.Satbir Rathore, Advocate
for respondents No.1 to 4.

SUVIR SEHGAL, J.

1. This appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short "the Arbitration Act") assailing order dated 21.05.2014 passed by learned Additional District Judge, Jalandhar.

2. Counsel for the appellants submits that land in village Raipur, Tehsil Dasuya, District Hoshiarpur belonging to respondents No.1 to 4 was acquired for four-laning and widening of Jalandhar –



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Pathankot section of National Highway No.1A vide notification dated 24.12.2004 issued under the National Highways Act, 1956. He states that the competent authority classified land as *chahi* and awarded Rs.5,991/- per marla, which has been enhanced to Rs.65,000/- per marla by the Arbitrator. He has challenged the award of Rs.2 lakh lump sum towards severance charges, loss of business/income @ Rs.5,000/- per marla and interest granted by the Arbitrator. He urges that the landowners failed to lead any evidence regarding any loss of business or income nor they have brought any material to show that their land was partially acquired. Placing reliance upon the judgment of Hon'ble Supreme Court in **Unior of India and another Versus Tarsem Singh and others (2019) 9 SCC 304**, he has contended that interest awarded is on the higher side.

3. On the other hand, counsel for the landowners – respondents No.1 to 4 has placed reliance upon a judgment of a Coordinate Bench of this Court in FAO-2131-2014 titled **“Union of India and another Versus Sarabjit Singh and others”** and other connected cases, decided on 12.11.2018, to submit that in matters arising out of the same notification, compensation of Rs.1.25 lakh per marla awarded by the Arbitrator has been upheld by this Court. He claims that the compensation amount be enhanced accordingly. It is his assertion that the entire awarded amount has been released to the landowners on 05.12.2018 during the pendency of the instant appeal.

4. I have heard counsel for the parties and considered their respective submissions.

5. Upon hearing the parties, this Court passed the following



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order on 13.02.2020:

“C.M. No.21524-CII of 2014

For the reasons stated in the application, the delay of 07 days in filing of the appeal is condoned.

CM stands disposed of.

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Since this Court through its judgment dated 12.11.2018 passed in FAO-2131-2014 – 'Union of India and another vs. Sarabjit Singh and others' and other connected cases, has already upheld the grant of even a higher amount as compensation towards price of the acquired land, notice of motion be issued only qua grant of compensation towards severance and loss of income/business to respondents No.1 to 4 only at this stage.

Mr. Satbir Rathore, Advocate, accepts notice on behalf of respondents No.1 to 4.

For arguments, adjourned to 17.03.2020.”

6. A perusal of the above reproduced order shows that the appellants cannot question the quantum of compensation fixed by the Arbitrator. The only issue being raised by appellants is regarding the payment of severance charges and loss of income/business. Although counsel for the appellants submits that no evidence has been led by the claimants, but the fact remains that the entire awarded amount has already been paid. This could not be disputed by the counsel for the appellants. In such a situation, this Court does not deem it appropriate to interfere with the amount awarded and disbursed to the landowners.



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7. It would also be relevant at this stage to refer to the observations of the Hon'ble Supreme Court in **National Highways Authority of India Versus Sunil Kumar & others**, Review Petition (c) No.823 of 2019 in SLP (C) No.9063 of 2018, which are reproduced hereunder:

“We are of the view that the respondents have now received the compensation and would have utilised the same and cannot be burdened with the task of refunding any amount were these pleas to be accepted. We would not like to open this issue as the amount received would have been utilized by those beneficiaries and could have resulted in purchase of properties or bonds etc. for claiming exemption from tax. If there is negligence on the part of the National Highways Authority of India (NHAI), it is for the NHAI to put its house in order. The endeavour is also quite belated.”

8. Coming to the submissions made by counsel for the landowners, it deserves to be noticed that the landowners did not file objections under Section 34 of the Arbitration Act. Mere fact that compensation awarded to some other landowners has been enhanced would not automatically result in an increase of compensation awarded to them. The request made by counsel for the landowners is, therefore rejected.

9. For the reasons recorded above, this Court is of the view that there is no merit in the appeal, which is accordingly dismissed with no order as to costs.

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10. Pending application, if any, stands disposed of.

21.11.2024

(SUVIR SEHGAL)
JUDGE

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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No