

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-3146-2017(O&M)
Date of Decision :- 20.01.2024

R.K. Garg & sons

.....Appellant

Versus

Govt. of India and others

.....Respondents

CORAM:-

HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:

Mr.Akshay Bhan, Senior Advocate with
Mr.Rohit Nagpal, Advocate
for the appellant.

Mr.D.K. Singal, Advocate and
Mr.Rahul Garg, Advocate
for respondents No.1 and 2.

Mr.Arvind Kumar Sharma, Advocate
Mr.R.S. Longia, Advocate
for Union of India.

SUVIR SEHGAL, J. (ORAL)

**CM-10297-CII of 2017 &
CM-15526-CII-2023**

1. Prayer in both the applications is for condonation of 676 days delay in filing of the appeal.
2. Reply filed by respondents to one of the application is taken on record and prayer has been opposed.
3. I have heard counsel for the parties.
4. Perusal of the averments of the applications show that

102+223

-2-

the original filing of the appeal is within the prescribed period of limitation, however, the appeal was returned with some objections. Record further shows that one of the objections raised was qua the person through whom the appeal had been preferred by the appellant - HUF. The appellant got the case title corrected by moving application before learned Additional District Judge, Mohali and thereafter re-filed the appeal, which has occasioned in the delay. This Court is satisfied with the reasons given in the applications.

Both the applications are allowed. Delay in filing the appeal is condoned.

CM-21687-CII-2023 in/and
FAO-3146-2017 (O&M)

5. At the outset, learned Senior counsel submits that award dated 25.05.2007 passed by the Competent Authority and Arbitrator's Award dated 22.02.2011 have been set aside by this Court in FAO-1600-2015 titled as "NHAI Versus State of Punjab and others" by order dated 18.12.2015 and the matter has been remitted to the Adjudicating Authority to decide the claim of the land-owners afresh. In the light of this development, he requests that he may be permitted to withdraw this appeal and be granted permission to appear before the authority for fresh decision.

6. Although counsel for the respondents have opposed the prayer, but in view of the order passed on 18.12.2015, this Court has no hesitation in rejecting the opposition and in acceding to the prayer made by the learned Senior counsel for the appellant.

102+223

-3-

7. Accordingly, application is allowed. Appellant is permitted to withdraw the appeal.

8. Dismissed as withdrawn.

9. As the awards have already been set aside in the connected appeal and the matter has been sent back for fresh decision of the claimants, parties are directed to appear before the Competent Authority on 26.02.2024 at 10:00 a.m. It shall be open for the parties to raise all the pleas before the Competent Authority as are available to them in accordance with law.

10. Pending miscellaneous application(s), if any, stands disposed of.

20.01.2024
Brij

(SUVIR SEHGAL)
JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No