



FAO-4429-2024 (O&M) - 1-

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

111

FAO-4429-2024 (O&M)
Date of Decision: 03.12.2024

Union of India and another

... Appellants

Vs.

Balbir Kaur (Deceased) through LRs and others

.... Respondents

111-2

FAO-4656-2024 (O&M)

Union of India and another

... Appellants

Vs.

Jagtar Singh and others

.... Respondents

111-3

FAO-4659-2024 (O&M)

Union of India and another

... Appellants

Vs.

Kulwant Singh and others

.... Respondents

111-4

FAO-4662-2024 (O&M)

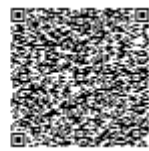
Union of India and another

... Appellants

Vs.

Gurmit Kaur and others

.... Respondents



FAO-4429-2024 (O&M)

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FAO-4665-2024 (O&M)

Union of India and another

... Appellants

Vs.

Gurmail Singh (Deceased) through Lrs and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Dr. Puneet Kaur Sekhon, Advocate for the appellants.

Mr. Dheeraj Mahajan, Advocate with
Mr. Harish Mahajan, Advocate
for land owners in FAO Nos. 4665, 4429 of 2024

Mr. Satbir Rathore, Advocate
for respondents No. 1 and 2 in FAO-4656-2024.

Mr. S.P. Soi, Advocate
for the respondents in FAO-4659-2024.

Mr. Kanwarpal Singh, Advocate for respondent No.1
in FAO-4662-2024.

Ms. Amrita Garg, AAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

CM-16328-CII-2024 in FAO-4429-2024

CM-17331-CII-2024 in FAO-4656-2024

CM-17342-CII-2024 in FAO-4659-2024

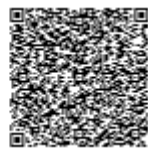
CM-17351-CII-2024 in FAO-4662-2024

CM-17359-CII-2024 in FAO-4665-2024

1. Prayer in the application is for condonation of delay in filing of appeal.

2. Notice of the application was issued to the respondents, however, no response has been filed.

3. Having heard counsel for the parties, this Court is satisfied



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with the explanation given in the application and is of the view that the appellants have made out a sufficient cause for condonation of delay. Applications are allowed.

4. Delay in filing the appeals is condoned.

Main case.

5. This order shall dispose of above noted five appeals.

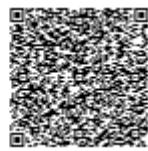
6. For the sake of convenience, factual position is being taken from FAO No. 4429 of 2024.

7. This appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short “1996 Act”), assailing judgment dated 02.01.2024, passed by the learned Additional District Judge, Jalandhar, whereby objections preferred by the appellants under Section 34 of the 1996 Act have been dismissed.

8. A brief summary of facts leading to the filing of the appeal are that land belonging to the private respondents in village Khokhar, Tehsil Dasuya, District Hoshiarpur, was acquired by virtue of notification dated 11.04.2008, issued under Section 3-A of the National Highways Act, 1956 (for short “1956 Act”) for widening the National Highway No.1-A. This was followed by another notification issued on 09.04.2009, under Section 3-D of the 1956 Act. The competent authority assessed the compensation payable to the land-owners, but dissatisfied with the amount, land-owners filed references, which were accepted by the Commissioner, Jalandhar Division, by his award dated 03.09.2019. Relevant extract of which is reproduced hereunder:-

“In light of above, my award is as follows:-

1. The applicant is awarded Rs.2,30,000/- per



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marla for land irrespective of nature of land.

2. The applicant is awarded interest @ 9% for the 1st year from the date of possession and 15% per annum for the subsequent year till the date of payment as per provisions of Section 28 of Land Acquisition Act.

3. The applicant is also awarded the Solatium @ 30% as per provisions of section 23(2) of Land Acquisition Act.

4. All other claims of the applicant(s) in their claim petition are rejected in the light of their affidavit.

5. However, if any of the respondents preferred an appeal against this award, the affidavit of the claimant(s) forgoing all other claim shall not be binding on claimant(s).

6. Competent Authority-cum-Land Acquisition Collector is directed to calculate the amount as per this award and also keeping into the consideration the actual acquisition of land of applicant and same be paid to the applicant after deducting the amount already paid to the applicant.”

9. Appellants filed objections under Section 34 of the 1996 Act, which have been rejected vide order impugned herein.

10. During the course of arguments, counsel for the appellants is not in a position to dispute that the appeals arising out of the same notifications came up for consideration before this Court and by judgment dated 27.01.2016, passed in FAO No.8213 of 2014 and other connected appeals, titled as **Union of India and another Versus Surjit**

Singh and others, the award passed by the Commissioner has been held



to be reasonable. The judgement passed by this Court was impugned before the Supreme Court in SLP(C) No.27254 of 2018, which was dismissed and compensation granted by the Commissioner has been upheld. This Court, therefore, does not find any reason to take a different view.

11. In view of the above, all appeals are dismissed for the reasons recorded by co-ordinate Bench of this Court in Surjit Singh's case (supra).
12. Pending applications, if any, are disposed off.

03.12.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

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