



FAO-4711-2024 (O&M)

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

(111-1)

FAO-4711-2024 (O&M)

Date of decision:- 20.12.2024

Union of India and another

... Appellants

Versus

Sham Singh (since deceased) through his LRs and others

... Respondents

(111-2)

FAO-4714-2024 (O&M)

Union of India and another

... Appellants

Versus

Harinder Pal Singh and others

... Respondents

(111-3)

FAO-4718-2024 (O&M)

Union of India and another

... Appellants

Versus

Ram Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. B.S.Sudan, Advocate for Dr. Puneet Kaur Sekhon, Advocate
for the appellants in all the cases.

Mr. Sahil Soi, Advocate
for respondents No.1 and 2 in FAO-4711-2024.

Mr. Ajiteshwar Singh, Advocate
for respondents in FAO-4714-2024.

Mr. Satbir Rathore, Advocate,
Mr. Vinod Pundir, Advocate and Ms. Jyotika Behl, Advocate
for the respondents in FAO-4718-2024.

SUVIR SEHGAL, J. (ORAL)

CM-17490-CII-2024 in FAO-4711-2024;
CM-17503-CII-2024 in FAO-4714-2024 &
CM-17520-CII-2024 in FAO-4718-2024



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1. Exemption, as prayed for, is granted.
2. Applications are allowed.

CM-17491-CII-2024 in FAO-4711-2024;
CM-17504-CII-2024 in FAO-4714-2024 &
CM-17521-CII-2024 in FAO-4718-2024

3. Prayer in the applications is for condonation of delay in filing of the appeals.
4. Notice of the applications was issued to the respondents on 01.10.2024, however, no response has been filed.
5. Having heard counsel for the parties, this Court is satisfied with the explanation given in the applications and is of the view that the appellants have made out a sufficient cause for condonation of delay.
6. Applications are allowed.
7. Delay in filing the appeals is condoned.

Main cases

8. This order shall dispose of above noted three appeals.
9. For the sake of convenience, factual position is being taken from FAO No. 4711 of 2024.
10. This appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short “1996 Act”), assailing judgment dated 20.05.2024, passed by the learned Additional District Judge, Jalandhar, whereby objections preferred by the appellants under Section 34 of the 1996 Act have been partly accepted.
11. A brief summary of facts leading to the filing of the appeal are that land belonging to the private respondents in village Raipur, Tehsil Dasuya, District Hoshiarpur, was acquired by virtue of notification dated

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24.12.2004, 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 11.07.2005, 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 16.12.2020. Relevant extract of the award is reproduced hereunder:-

- “i. The applicants are awarded Rs.1,25,000/- (one lac twenty five thousand) per marla for the whole of the acquired land, which I consider to be fair and reasonable.*
- ii. The applicants will be entitled to interest as per the provisions of s. 28 of the Land Acquisition Act, 1894, @ 9% per annum on the excess amount, for the 1st year from the date of taking possession of the land to the date of payment, and 15% per annum shall be payable from the date of expiry of said period of one year on the amount of such excess or part thereof which has not been paid before the date of such expiry.*
- iii. Easement amount of 10% is permitted.*
- iv. The applicants are awarded additional compensation @ 12% per annum on the market value assessed, for a period commencing on or from the date of publication of the notification under s. 4 upto the date of award of the CALA or the date of taking possession of the land, whichever is earlier, as per section 23(1)(A) of Land Acquisition Act, 1894, in the view of recent judgment dated 19.9.2019 passed by Hon'ble Supreme Court of India in case titled as Union of India v/s Tarsem Singh & others.*



v. *The applicants are also awarded Solatium amount @ 30% on such assessed market-value, in consideration of the compulsory nature of acquisition, as per provisions of section 23(2) of Land Acquisition Act.”*

12. The appellants filed objections under Section 34 of the 1996 Act, which have been partly accepted vide order impugned herein. The award qua easement money and additional compensation at the rate of 12% per annum under Section 23 (1-A) of the Land Acquisition Act, 1894 has been set aside. The rest of the award has been upheld by the learned Additional District Judge, Jalandhar.

13. 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 12.11.2018, passed in FAO No.2131 of 2014 and other connected appeals, titled as ***Union of India and another Versus Sarabjit Singh and others***, the award passed by the Commissioner has been held to be reasonable. This Court, therefore, does not find any reason to take a different view.

14. In view of the above, all appeals are disposed of in terms of judgment passed by this Court in ***Sarabjit Singh’s*** case (supra).

15. Pending applications, if any, are disposed off.

20.12.2024

Kamal

(SUVIR SEHGAL)
JUDGE

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