



FAO-4720-2024 (O&M)

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

(114)

FAO-4720-2024 (O&M)
Date of decision:- 03.12.2024

UNION OF INDIA AND ANOTHER

...APPELLANTS

VERSUS

SARABJIT SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Puneet Kaur Sekhon, Advocate
for the appellants.

Mr. S.P.Soi, Advocate and
Mr. Sahil Soi, Advocate
for the respondent No.1.

Ms. Amrita Garg, AAG, Punjab
for respondents No.2 and 3.

SUVIR SEHGAL, J. (ORAL)**CM-17530-CIL-2024**

1. For the reasons given in the application, this Court is satisfied that the appellants have made out a sufficient cause for condonation of delay.
2. Application is allowed.
3. Delay of 48 days in filing the appeal is condoned.

Main case

4. By way of present appeal filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short "the 1996 Act"), appellants have

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approached this Court assailing judgment dated 28.03.2024 passed by the learned Additional District Judge, Jalandhar, whereby objections filed by the appellants under Section 34 of the 1996 Act have been dismissed.

5. 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 24.12.2004, issued under Section 3-A of the National Highways Act, 1956 (for short “the 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 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 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*



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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.”

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

7. 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**, 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.

8. In view of the above, appeal is dismissed for the reasons recorded by Co-ordinate Bench of this Court in **Surjit Singh's case (supra)**.

9. Pending applications, if any, stands disposed off.

(SUVIR SEHGAL)
JUDGE

03.12.2024

Kamal

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