

CR-6466-2023

2024:PHHC:063592



265-2

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-6466-2023
Date of Decision :-07.05.2024

National Highways Authority of India

.....Petitioner

Versus

Narinder Kaur and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.Vikas Chatrath, Advocate
for the petitioner.

Mr.Ranjit Saini, Advocate
for respondent No.1.

SUVIR SEHGAL, J. (ORAL)

1. Instant revision petition has been filed under Article 227 of the Constitution of India, *inter alia*, for setting aside the impugned order dated 06.05.2023, Annexure P6, whereby some onerous conditions have been imposed while disposing of application under Section 36 (2) of the Arbitration and Conciliation Act, 1996 filed by the petitioner.

2. While issuing notice of motion in this petition and other connected petitions, this Court passed the following order:

“The petitioner assails order dated 06.05.2023 (Annexure P-6)

vide which the learned District Judge while disposing of an application



filed by the petitioner under Section 36(2) of Arbitration and Conciliation Act, has directed the petitioner to deposit the entire awarded amount along with interest within 2 months and has further directed that while 50% of the said amount would be released to the land owners subject to their furnishing indemnity bonds of double the amount with one surety of the like amount, the balance 50% be kept in the shape of FDRs, not to be released till the final disposal of the petition filed under Section 34 of the Arbitration and Conciliation Act, 1996.

Learned counsel submits that Hon'ble Apex court in The Project Director National Highways Authority of India Vs. Saraswatibai Chandrakant Shinde, Appeal No.12409 of 2022, while dealing with the similar issue had issued the following directions:

“(i) NHAI shall deposit 50 percent of compensation amount, as awarded by Arbitral Court, with Executing Court within period of four weeks. Paid amount shall be released to land owners unconditionally.

(ii) District Court, before whom proceedings under Section 34 of Arbitration Act are pending, shall make endeavour to decide such proceedings within period of six months from next date of hearing before Court.

(iii) Balance amount of compensation as per Award to be passed under Section 34 of Arbitration Act, shall be deposited by NHAI with Executing Court within four weeks after such determination. Amount shall also be released by Executing Court in favour of land owners subject to rights and remedies available to parties in law.”

Notice of motion for 07.05.2024.

In the meantime, the amount in question shall be deposited/released in the manner indicated in Saraswatibai's judgment (Supra). It is clarified that 50% of the amount shall be released unconditionally. It is further clarified that once the 50% of the awarded amount along with interest is released to the claimants unconditionally, the payment of the remaining amount shall remain stayed till further



orders.

A photocopy of this order be placed on the connected cases.”

3. Mr.Saini, has put in appearance on behalf of respondent No.1.
He submits that pursuant to the above reproduced order 50% of the
compensation amount has been released to respondent No.1.
4. In view of the above development, revision petition is disposed
of. Impugned order, Annexure P6, stands modified in terms of order dated
02.11.2023 passed by this Court.

07.05.2024		(SUVIR SEHGAL)
Brij		JUDGE
Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No