



FAO-7588-2017 (O&M)

-1-

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

(107)

FAO-7588-2017 (O&M)
Date of decision:- 26.09.2024**Santokh Singh and another****... Appellants****Versus****Union of India and others****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Onkar Singh, Advocate
for the applicants-appellants.

Mr. D.K.Singal, Advocate and
Mr. Rahul Garg, Advocate
for the respondent No.2-NHAI.

SUVIR SEHGAL, J. (ORAL)**CM-25018-CII-2017**

Exemption, as prayed for, is granted.

Application is allowed.

Main case

1. By way of present appeal filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short "the Arbitration Act"), appellants have approached this Court assailing judgment dated 20.11.2014 passed by the learned Additional District Judge, Jalandhar, whereby objections filed by contesting respondents No.1 and 2 have been dismissed. Along with the appeal, appellants have filed miscellaneous applications seeking condonation of delay of 57 days in the re-filing of the appeal and 820 days in the filing of the appeal, which are being opposed by the contesting respondents.

**FAO-7588-2017 (O&M)****-2-**

2. Mr. Onkar Singh, Advocate, counsel for the applicants-appellants submits that the appellants are owners of 5 kanals 10 marlas of land in village Khokhar Fauji, Tehsil and District Gurdaspur, which was acquired for widening and four laning of National Highway No.15 vide notification dated 25.09.2006 issued under Section 3A of the National Highways Act, 1956 (for short “the Act of 1956”). He submits that the competent authority assessed the compensation payable to the appellants @ ₹30,00,000/- per acre, which has been disbursed. He submits that as the appellants were dissatisfied with the compensation, they sought a reference and the Arbitrator-cum-Commissioner, Jalandhar Division passed award dated 02.03.2012 enhancing the compensation to ₹45,40,000/- per acre, besides awarding statutory benefits. Counsel asserts that respondents No.1 and 2 filed objections under Section 34 of the Arbitration Act, which have been rejected by the learned Additional District Judge, Jalandhar. He submits that the value of the acquired land is much more than the compensation awarded and the same deserves to be suitably enhanced on the basis of the evidence adduced by the land-owners.

3. Opposing the appeal, counsel for the respondent No.2-NHAI submits that the appellants did not prefer any objection under Section 34 of the Arbitration Act and the present appeal has been filed assailing the judgment passed on objections, preferred by respondents No.1 and 2, which is not maintainable. He submits that respondent No.2 had assailed the impugned judgment by filing a separate appeal bearing No. **FAO-1594-2015** titled as “*Union of India and another Versus Santokh Singh and*



FAO-7588-2017 (O&M)

-3-

others”, which along with other connected appeals, was dismissed by this Court on 08.02.2016. It is his argument that as the judgment under challenge has been affirmed by this High Court, instant appeal deserves to be dismissed.

4. I have heard the counsel for the parties and considered their respective submissions.

5. Concededly, appellants have not filed any objection petition under Section 34 of the Arbitration Act. In the garb of challenging judgment passed on the objections filed by respondents No.1 and 2, the appellants cannot be permitted to seek enhancement of the compensation. Appeal instituted by them under Section 37 of the Arbitration Act is not maintainable and is dismissed as such.

6. As the main appeal has been dismissed, all the miscellaneous applications instituted with the instant appeal are also dismissed.

(SUVIR SEHGAL)
JUDGE

26.09.2024
Kamal

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