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

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CR-6352-2024 (O&M)

Date of Decision: 29.10.2024

NATIONAL HIGHWAYS AUTHORITY OF INDIA

.... Petitioner

V/S

JEETPAL VERMA AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. K.S. Kang, Advocate and
Ms. Swinki Mehta, Advocate for the petitioner.

SUVIR SEHGAL, J. (ORAL)

1. Instant revision petition has been filed under Article 227 of the Constitution of India for setting aside order dated 24.10.2024, Annexure P-12, passed by learned Additional District Judge, Sangrur, in CIS No. EXE/230/2020, whereby the Court has ordered the unconditional release of an amount of Rs.3,82,54,555/- to the respondent-decree holder.
2. Counsel for the petitioner has placed reliance upon the judgment dated 14.08.2024, passed by the Supreme Court in **National Highway Authority of India Versus Pardeep Singh and others, Special Leave to Petition (Civil) No. 17708 of 2024**, to submit that the amount awarded by the Arbitrator as compensation for the land acquired under the National Highways Act, 1956, can be released only on the furnishing of adequate security to the satisfaction of the Executing Court as the objections under Section 34 of the Arbitration and Conciliation Act, 1996

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are pending adjudication.

3. Issue notice restricted to contesting respondent No.1.

4. Mr. Devinder Pal Singh, Advocate (through V.C.) and Mr. Jatin Bansal, Advocate (in Court) appeared on behalf of respondent No.1 and filed Memorandum of Appearance, which is taken on record. They have opposed the prayer made by the petitioner by submitting that respondent No.1 is a small agriculturist and will not be in a position to comply with the condition as is being insisted upon by counsel for the petitioner.

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

6. In **Pardeep Singh's** case (supra), whereby orders passed by this Court were under challenge, Supreme Court has observed as under:-

“1. Leave granted.

2. By the impugned order, the interim relief of stay of the award directing payment of compensation has been granted pending petitions under Section 34 of the Arbitration and Conciliation Act, 1996 (for short ‘the 1996 Act’).

3. We find no error in the view taken by the High Court by which the High Court directed the appellant to deposit 50% of the compensation amount as a condition for grant of stay. However, the High Court should have secured the amount by directing the respondents/claimants to furnish security for the said amount to the satisfaction of the Court in which Section 34 petitions are pending.

4. Accordingly, we modify the



impugned orders to that limited extent.

5. *The Court in which petitions under Section 34 of the 1996 Act are pending shall permit withdrawal of the 50% of the amount deposited by the appellants subject to respondents furnishing adequate security for the said amount to the satisfaction of the said Court.*

6. *The appeals are partly allowed.*

7. *We make it clear that this order will apply only in those cases where the amount has not been withdrawn.*

8. *Pending application(s), if any, shall stand disposed of.”*

7. This Court is bound by the observations made by the Supreme Court. Accordingly, impugned order, Annexure P-12 is modified. The amount of Rs.3,82,54,555/- is ordered to be released to constesting respondent No.1 subject to his furnishing adequate security to the satisfaction of the court concerned.

8. With the above modification, revision petition is disposed of.

9 It is clarified that any observation made hereinabove, shall not be construed an expression on the merits of the objections filed by the petitioners under Section 34 of the Arbitration and Conciliation Act, 1996, which are stated to be pending.

29.10.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

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