



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

**Civil Writ Petition No. 2160 of 2023 (O&M)
Date of Decision: 02.08.2025**

Surjit Singh and others

..... Petitioners

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajinder Kumar Singla, Advocate
for the petitioners.

Mr. Raghujeet Singh Madan, Advocate with
Mr. D.K. Prajapati, Advocate
for respondent Nos. 1 to 3-NHAI.

Mr. Siddharth Sandhu, Assistant Advocate General, Punjab
for respondent Nos. 4 & 5.

HARKESH MANUJA, J. (ORAL)

The petitioners, by way of present writ petition, seek issuance of a writ in the nature of *mandamus* for directing respondent Nos. 1 to 3 to make payment of the enhanced amount of compensation alongwith interest awarded by respondent No. 4 in Arbitration Case No. 903 of 2016, titled “*Niranjan Singh and others Versus Union of India and others*”, decided on 18.01.2019/23.01.2019 (Annexure P-5).

[2] On 26.04.2023, Co-ordinate Bench passed the following order:-

“ It transpires that Government of India, Ministry of Road Transport & Highways issued Notification dated 07.11.2014 (P-2) under Section 3A (1) of the National Highway Act, 1956 (for short “Act of 1956”) for acquisition of certain lands, including land of petitioners for (for widening/fourlaning) maintenance, management and operation of National Highway No.15 in the stretch of KM 265.700 to KM 287.215 (Bathinda Section), District

Bathinda, State of Punjab. The competent authority awarded compensation to the petitioners/predecessors-in-interest vide Award dated 03.05.2015 & 09.06.2015 (P-4).

Dissatisfied with the aforesaid award, petitioners invoked the remedy of arbitration and the sole Arbitrator-respondent No. 5 enhanced the compensation vide Award dated 18.01.2019/23.01.2019.

Aggrieved against the aforesaid award, NHAI-respondent Nos. 1 & 2 filed objection under Section 34 of the Arbitration & Conciliation Act, 1996 (for short “Act of 1996”).

It is relevant to mention here that alongwith the objection petition, respondent Nos. 1 & 2 also filed application for stay of the operation of the arbitral award; but the same was rejected by learned Additional District Judge, Faridkot on 18.02.2022.

It is the conceded position that as on today, there is no stay operating against the award passed by sole Arbitrator; but despite that the compensation has not been paid to the petitioners on the premise that execution proceedings are pending for 06.05.2023.

Learned counsel for the petitioner vehemently contended that in view of the provisions of the National Highways (Manner of Depositing the amount by the Central Government; making requisite funds available to the competent authority for acquisition of land) Rules, 2019 (for short “Rules of 2019”), it is obligatory upon respondent Nos. 1 & 2 to pay enhanced compensation without any delay. He also submits that respondents have paid compensation to some of the landowners whose land was acquired under the notification referred above; but petitioners are unnecessarily being harassed without there being any valid reason. Learned counsel for the petitioner forcefully contended that invariably respondent Nos. 1 & 2 are adopting pick and choose policy regarding payment of compensation for the reasons best known to them. He again contended that landowners are kept on tenterhook and

respondent Nos. 1 & 2 are increasing the avoidable litigation at the cost of public exchequer.

In view of the above, prima facie, it appears that respondent Nos. 1 & 2 are lacking in performance of their duty, while not implementing the Act of 1956 as well as Rules of 2019; thus giving rise to negation of the rule of law.

However, before expressing any final opinion in the matter, this Court deems it appropriate to know the actual position of pending cases, where no stay has been granted against the arbitral award, yet the landowners are waiting for compensation at the end of respondent Nos. 1 & 2 in District Bathinda.

The Project Director, Project Implementation Unit, Bathinda, NHAI, is directed to file an affidavit giving complete details of pending cases in District Bathinda (tabulated form), where compensation has not been paid to the landowners, despite the fact that there is no stay operating against the arbitral award(s) as on today.

Posted on 15.05.2023.”

[3] Learned counsel for the petitioners submits that even as on today, the amount of enhanced compensation has not been deposited by respondent No. 3 before the Executing Court and the rights of petitioners are being prejudiced on account of delay in disbursal of the enhanced compensation, especially when the respondent(s)-NHAI has been acting in discriminatory and arbitrary manner, while releasing the enhanced compensation in favour of some of the landowners pertaining to the same acquisition whereas depriving the others of the similar benefits.

[4] On the other hand, learned counsel for respondent Nos. 1 to 3 submits that present writ petition itself is not maintainable as the only remedy available with the petitioner is to file execution application in terms of Section 36 of the Arbitration & Conciliation Act, 1996 (for short “Act of

1996”). He further submits that the petitioners have even preferred execution application before the Court concerned, which is pending adjudication and thus, the present petition is liable to be dismissed.

[5] I have heard learned counsel for the parties and gone through the paper-book.

[6] On the point of law, the Hon’ble Apex Court has been pleased to hold that the writ petitions filed under Article 226 of the Constitution of India should not be entertained for the purpose of enforcement of the arbitration awards passed under the National Highways Act, 1956 (**for short “Act of 1956”**) as the remedy available to the landowners is to seek execution of the awards in terms of provisions of the Act of 1996. Reference in this regard can be made to the two decisions rendered by the Hon’ble Apex Court in case (i) **Appeal (C) No. 12409 of 2022, decided on 01.08.2022**, titled **“The Project Director National Highways Authority of India Versus Saraswatibai Chandrakant Shinde & Ors.”**; and (ii) **Civil Appeal No. 5256 of 2022, decided on 24.08.2022**, titled **“National Highways Authority of India Versus Sheetal Jaidev Vade & Ors.”**.

However, despite laying down the aforesaid decision(s), the Hon’ble Apex Court has been pleased to issue certain directions to the National Highways Authority of India (NHAI) for the purpose of deposit of the enhanced compensation before the Executing Court. Relevant para-7.1 of the case ***Sheetal Jaidev Vade’s (supra)*** is extracted hereunder:-

“ 7.1 In view of the above discussion, we would have set aside the impugned judgment and order passed by the High Court on the aforesaid ground alone. However, taking into consideration the similar order passed by this Court in the case of Saraswatibai Chandrakant Shinde (supra), we deem

it appropriate to dispose of the present proceedings/appeal with the following directions:

- (i) The NHAI shall deposit 50 per cent of the compensation amount, as awarded by the Arbitral Court, with the Executing Court within a period of four weeks. The said amount shall be released to the land owners unconditionally.*
- (ii) The learned District Court, before whom the proceedings under Section 34 of the Arbitration Act are pending, shall make an endeavour to decide such proceedings within a period of six months from the next date of hearing before the said court.*
- (iii) The balance amount of compensation as per the Award to be passed under Section 34 of the Arbitration Act, shall be deposited by the NHAI with the Executing Court within four weeks after such determination. The said amount shall also be released by the Executing Court in favour of the land owners subject to the rights and remedies available to the parties in law. ”*

[7] In view of the aforesaid exposition of law, present petition is ***disposed off*** in terms of directions issued in case of ***Sheetal Jaidev Vade’s case (supra)***.

[8] Also, the Hon’ble Supreme Court in case “***Rahul S. Shah Versus Jinendra Kumar Gandhi and others***, reported as ***(2021) 6 SCC 418***, held as follows:-

“That the executing Court must dispose of execution proceedings within 6 months from the date of filing which may be extended only by recording reasons in writing for such delay.”

[9] Therefore, the Executing Court concerned is requested to decide / dispose off the Execution Petition as per law within a period of six months from the date of receipt of certified copy of this order.

[10] It is made clear that nothing said hereinabove shall be construed as an expression of opinion on the merits of the execution proceedings.

[11] Pending miscellaneous application(s), if any, shall also stand disposed off.

August 02, 2025
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>