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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1696-2025(O&M)
Date of Decision:16.10.2025

SURJIT SINGH AND OTHERS

....Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.K. Singla, Advocate, for the petitioners.

Mr.Vibhor Bansal, Advocate, Senior Panel Counsel,
for respondent No.1/IOI.

Mr.Arkash Mani Garg, Advocate, for
Mr. K.S. Kang, Advocate, for respondent No.2-NHAI.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside/quashing of impugned order dated 30.01.2025 (Annexure P-29) passed by the learned Additional District Judge, Bathinda.

2. Learned counsel appearing on behalf of the petitioners submitted that it is a case where the petitioners are the landlosers and their lands have been acquired and thereafter, an award was passed by the Competent Authority for Land Acquisition (CALA). He submitted that thereafter as per the provisions of Section 3G (5) of the National Highways Act, 1956, reference



was made to the concerned authority who is the Commissioner-cum-Arbitrator for deciding the reference by way of arbitration process and the learned Arbitrator has enhanced the amount and award has been made by the learned Arbitrator regarding the same. He submitted that thereafter the respondent-National Highways Authority of India filed objections under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') and alongwith that an application under Section 36(2) of the Act for stay of execution of the award was also filed. By way of the impugned order, the learned Additional District Judge, Bathinda has allowed the application and the operation of the impugned award was stayed subject to the applications/petitioners depositing the entire enhanced amount inclusive of interest (as per the arbitral award) with the executing court within a period of four weeks alongwith the calculation sheet of the calculated amount. 50% of the total enhanced amount (inclusive of interest component) shall be released to the landlosers subject to their furnishing indemnity bonds to the tune of double of the said amount with one surety in the like amount or on furnishing of the bank guarantee to the tune of the amount to be released, to the satisfaction of learned executing court. The operative part of the impugned order is reproduced as under:-

“13. There is no material on record to observe at this stage, that the impugned award was induced by any fraud or corruption and thus no ground is made out for grant of unconditional stay upon the operation of the impugned award. Accordingly in view of the aforesaid discussion as well as the aforesaid propositions of law, the application of the applicants/petitioners is allowed and the operation of the impugned arbitral award is stayed till the disposal of the objection petition under Section 34 of the 1996 Act, subject to the applicants/petitioners depositing the entire enhanced



amount inclusive of interest (as per the arbitral award) with the executing court within a period of four weeks alongwith the calculation sheet of the calculated amount. 50% of the total enhanced amount (inclusive of interest component) shall be released to the landowners subject to their furnishing indemnity bonds to the tune of double of the said amount with one surety in the like amount or on furnishing of the bank guarantee to the tune of the amount to be released, to the satisfaction of learned executing court. Any observation of mine in this order shall not be construed to be an expression on the merits of the case.”

3. I have heard the learned counsel for the petitioners.

4. A perusal of the impugned order as reproduced above would show that the learned Additional District Judge did not grant indulgence to the National Highways Authority of India for grant of unconditional stay of the operation of the impugned award. However, the award was stayed subject to either furnishing of indemnity bonds to the tune of double of the amount or on furnishing of the bank guarantee of the same amount which was to be released i.e. to the tune of 50% after the entire amount is deposited by the National Highways Authority of India.

5. This Court in a bunch of Civil Revisions with the leading case bearing No.CR-2594-2025, titled '*National Highways Authority of India Versus Piara Lal and others*', decided on 04.09.2025 has observed that considering the judgments of Hon'ble Supreme Court and a Co-ordinate Bench of this Court, the National Highways Authority of India is to deposit 100% of the amount before the Executing Court and out of which 50% can be released on furnishing of bank guarantee. The relevant portion of the judgment passed by this Court is reproduced as under:-



21. *Therefore, considering the aforesaid facts and circumstances, the present petitions are disposed of with the following directions:-*

(i) The petitioner-NHAI is directed to deposit 100% of the award amount granted under Section 3G(5) of 1956 Act before the learned Executing Court, in case the aforesaid 100% amount has not been deposited till date before the learned Executing Court. In case the amount is deposited before CALA, then it shall be transmitted to the learned Executing Court forthwith. In case the undertakings given by the learned counsels for the petitioners-NHAI with regard to the above on taking instructions from NHAI are not complied with, then the respondents-land losers shall be at liberty to file any appropriate application before this Court or any other petition including a contempt petition.

(ii) Out of the total amount deposited by the NHAI, 50% of the deposited amount shall be deposited in a Nationalized Bank in the shape of FDR earning maximum rate of interest and the same shall be renewed from time to time, if required. The remaining 50% of the amount may be released to the land losers in the event of their filing an application within a period of four months from today, subject to furnishing of adequate bank guarantee. In case no such application is made by the land losers in this regard within the aforesaid period, then the aforesaid amount of 50% shall be kept in a Nationalized Bank in the shape of FDR earning maximum rate of interest.



(iii) *The respondents-land losers shall be permitted to seek release of the aforesaid amount of 50% mentioned in the preceding para, even partially i.e. less than 50% also subject to furnishing of adequate bank guarantee and thereafter, the remaining amount shall be deposited in the Nationalized Bank in the shape of FDR in the same manner.*

(iv) *The Courts where the objections under Section 34 of the Act are pending shall make an endeavour to decide the same as early as possible and preferably within a period of six months from today.*

6. In view of the aforesaid judgment passed by this Court, there is no illegality and perversity in the impunged order passed by the learned Additional District Judge.

7. Consequently, the present petition is dismissed.

16.10.2025

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No