



CR-2501-2024 (O&M)

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238(3)

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

**CR-2501-2024 (O&M)
Date of Decision: 16.04.2026**

Shyam Sunder

.... Petitioner

Versus

National Highway Authority of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.S. Randhawa, Senior Advocate with
Ms. Tarranum Madan, Advocate
for the petitioner.

Mr. Mahender Joshi, Advocate for
Mr. R.S. Madaan, Advocate,
for respondent No.1-NHAI.

Mr. Chirag Wadhwa, DAG, Haryana,
for respondents No.2 & 3.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for quashing/setting aside the impugned order dated 29.02.2024 (Annexure P-9) passed by learned Executing Court whereby the benefit of enhanced payment as awarded by the Arbitrator vide its Award dated 12.12.2017 (Annexure P-2) along with interest has been declined by learned Executing Court.

2. Learned Senior Counsel appearing for the petitioner submitted that when learned Arbitrator passed the award (Annexure P-2), it has been so observed in its operative part i.e. Paragraph No.17 that commercial collector rates of the locality for the year 2011-12 should be the basis to calculate Award and in this way, the Executing Court ought to have considered these collector rates while fixing the total amount. He further submitted that by

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way of the impugned order (Annexure P-9), the Executing Court observed that no benefit pertaining to the collector rates for the land situated upto 2 acres depth along NH-2 should be granted to the petitioner. This was solely because the Court noted that the same was not mentioned in the body of the award. However, this observation is factually incorrect, as the body of the award explicitly states that the collector rate of the locality shall form the basis for calculating the award. In this regard, he referred to the collector rate (Annexure P-10) wherein Note No.1 specifically provides that for up to two acres depth on NH-2, 100% increase on the circle rate of that village is to be applied and further Note No.2 provides that for upto two acres depth on the State Highway and main road 50% increase of the circle rate of that village is to be applied. Since this note forms part of the aforesaid collector rate, the Executing Court was required to consider this aspect which it failed to do so, as the circular of the collector rate cannot be deemed to travel beyond the award because it was a part of the collector rate. Therefore, the Executing Court ought to have considered the aforesaid aspect.

3. Learned counsel for respondent No.1-NHAI submitted that he cannot controvert the fact that the aforesaid aspect was required to be considered, but in accordance with law.

4. After hearing the learned counsels for the parties and perusing the impugned order dated 29.02.2024 (Annexure P-9), this Court is of the considered view that the impugned order is liable to be set aside and the matter is required to be remitted to learned Executing Court to pass a fresh order in accordance with law duly considering the aforesaid document (Annexure P-10) which is stated to be the collector rate with appended note and as per the award, it has been so provided that the commercial rates are to

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be considered. The Executing Court was required to consider Annexure P-10 in accordance with law.

5. In view of the above, the present petition is allowed. The impugned order dated 29.02.2024 (Annexure P-9) is hereby set aside. The matter is remitted to learned Executing Court to consider the plea of the petitioner as to whether he is entitled to 100% compensation by taking into account the aforesaid document (Annexure P-10), wherein the Collector Rate Note has been appended and thereafter to pass a fresh order with a fresh application of mind and in accordance with law. It is made clear that this Court has not made any observation as to whether the petitioner was entitled to the aforesaid 100% increase or not, but the impugned order (Annexure P-9) has been set aside on the ground that the aforesaid document (Annexure P-10) was not considered by learned Executing Court. The fresh order shall be passed within a period of three months from today.

6. Miscellaneous applications, if any, shall also stand disposed of since the main case has been allowed.

16.04.2026*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |