



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4360-2026

Date of Decision: 22.05.2026

National Highways Authority of India

... Petitioner

V/s

Harjit Singh and others

... Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Suvir Kumar, Advocate, for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 01.05.2026 (Annexure P-6) passed by the Court of Additional District Judge (Executing Court), Patiala.

2. The operative part of the impugned order reads as under:-

“11. However, applying the yardsticks of the above referred case laws and in view of submissions of learned counsel for UOI and NHAI and in the interest of justice, the present application filed under Section 36 (2) of the Arbitration and Conciliation Act is allowed and operation of the award dated 15.3.2022 is stayed till the disposal of the objection petition under Section 34 of the Act, subject to the deposit of entire enhanced awarded amount alongwith requisite interest, within period of two months, in terms of the award dated 15.3.2022 of learned Arbitrator, before the CALA and 50% of amount shall be released to the land owners in light of case law titled as National Highways Authority of India vs. Sheetal Jaidev Vade, Civil Appeal no.5256 of 2022, decided on 24.8.2022(SC) till final disposal of the petition under Section 34 of the Act. Further, Ld. Counsel for the petitioner/objector has prayed for releasing the above said 50% amount subject to the bank guarantee to be furnished by the land owners/respondents. On the other hand, Ld. Counsel for the respondents no.1 and 2 has submitted by relying upon National Highways Authority of India vs. Indian Acrylics Limited in SLP (Civil) Diary No(s) 2998/2026 has prayed that instead of bank guarantee, adequate surety be sought from the land owners/respondents no.1 and 2. Perusal of the order dated 02.02.2026 so passed by Hon'ble Chief Justice of India reveals that it has

been held that "We deem it appropriate to dispose of these special leave petitions with a clarification that the adequate security may be a security comprising title deeds/ownership documents of equivalent value, to the satisfaction of the executing court, but such adequate security shall not be in the form of a bank guarantee." Further, in Vineet Sharma & Anr. Vs National Highways Authority of India & Ors and connected matters in SLP Nos. 26913-26915/2025, vide order dated 23.3.2026, Hon'ble Supreme Court of India has held that condition No.21(ii) stands modified and the condition of furnishing bank guarantee by the High Court for release of 50% amount stands set aside and said amount be released to the land owners, on furnishing security of their own land, or on the security furnished of any other land owner submitting the paper of title. Accordingly in view of the order dated 02.02.2026 and 23.3.2026 so passed by Hon'ble Supreme Court of India it ordered that the withdrawal/release of 50% compensation amount to be deposited by NHAI will be subject to furnishing of indemnity bonds in the sum of equivalent value of the amount to be released with one surety of like amount."

3. The sole grievance of the petitioner is with regard to the direction of withdrawal/release of 50% compensation of the amount to be deposited by the petitioner subject to furnishing of indemnity bonds by the landowner/s.

4. Learned counsel for the petitioner has referred to order dated 23.03.2026 passed by the Hon'ble Supreme Court in *SLP Nos.26913-26915 of 2025* titled as *Vineet Sharma and another Vs. National Highway Authority of India and others* and other connected matters wherein a similar issue arose. The Hon'ble Supreme Court of India passed the following order:-

"2. It is a matter in which acquisition of the land belonging to the petitioners was made by the NHAI and the determination of compensation is an issue, wherein the direction to deposit the entire amount and release 50 per cent on bank guarantee has been ordered.

3) In our view, when the land belonging to petitioners was acquired to which compensation has been determined and deposited, though under challenge before the High Court, however, putting such an onerous condition to release 50% only on the bank guarantee does not appear reasonable. In support of the said contention reliance has been placed on the

order dated 02.02.2026 passed recently in the case of National Highways Authority of India v. Indian Acrylics Limited & Ors. (SLP (C) Diary No. 2998 of 2026). However, considering the same, we dispose of these petitions with the direction that condition No. 21(ii) stands modified and the condition of furnishing bank guarantee by the High court for release of 50% amount stands set aside. The said amount be released to the land owners, on furnishing security of their own land, or on the security furnished of any other land owner submitting the papers of title. As prayed, the proceedings with respect to determination of the compensation pending before the High Court may be decided on priority or as expeditiously as possible.”

5. Learned counsel for the petitioner submits that the impugned order be modified and that instead of furnishing of an indemnity bond, respondent No.1 be directed to furnish security as ordered by the Hon'ble Supreme Court.

6. I have considered the submissions made by learned counsel for the petitioner.

7. There would be no necessity of issuing notice to the respondents, for, in view of the nature of the order that is proposed to be passed, no prejudice would be caused to them.

8. It is incomprehensible as to why, after noticing orders dated 02.02.2026 and 23.03.2026 passed by the Apex Court, the Executing Court imposed the condition of furnishing indemnity bonds.

9. Be that as it may, keeping in view the orders passed by the Hon'ble Apex Court, while holding that the stay of the operation of the award subject to deposit of the entire enhanced amount along with requisite interest within a period of two months, does not call for any interference, the direction to release 50% of the same subject to furnishing of indemnity bonds in a sum of equal value of the amount to be released with one surety of like amount is

modified to the extent that the said release of 50% shall be subject to furnishing of security by the land-owners of their own land or on the furnishing of security of any other land-owner submitting the papers of title. The balance amount be kept in an FDR in some nationalized bank fetching the maximum rate of interest and shall not be released during the pendency of the petition under Section 34 of the 1996 Act.

10. The revision petition is accordingly disposed of in the above terms.

Pending application(s), if any, also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

May 22, 2026

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No