

2026:PHHC:027321



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

**CWP-20513-2024 (O&M)
Decided on:-19.02.2026**

Nivedita and another

....Petitioners..

vs.

State of Haryana and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Sumit Sangwan, Advocate
for the petitioners.

Ms. Komal Sharma, DAG, Haryana.

Mr. D.K. Prajapati, Advocate for
Mr. R.S. Madan, Advocate,
for respondents No.2 & 3-NHAI.

HARKESH MANUJA J. (Oral)

CM-2115-CWP-2026

Application is allowed as prayed for. Copy of supplementary award dated 15.12.2014 (Annexure P-6) is taken on record, subject to all just exceptions. Be tagged at appropriate place.

Main case

1. By way of present writ petition, challenge has been laid to an order dated 29.09.2023 passed by the learned Deputy Commissioner-cum-Arbitrator, Bhiwani, vide which, an application preferred under Section 3G (5) of the National Highways Act, 1956 (*hereinafter referred to as 1956*

Act”) at the instance of petitioners-landowners assailing the quantum assessed vide supplementary award dated 15.12.2014 relating to the super-structure has been dismissed being not maintainable.

2. Briefly stating, some land owned by the petitioners-landowners forming part of revenue estate of Village Mudhal Khurd, Tehsil and District Bhiwani, came to be notified in terms of Section 3 (A) of the 1956 Act, followed by an award dated 23.10.2013 with respect to the land. Aggrieved thereof, the petitioners-landowners sought arbitration in terms of Section 3G (5) of the 1956 Act, which came to be disposed of by the learned Arbitrator vide award dated 28.06.2017. During pendency, a supplementary award dated 15.12.2014 was passed by the District Revenue Officer-cum-Competent Authority Land Acquisition, Bhiwani (for short, “DRO”) regarding super-structure existing over the acquired land. Being aggrieved of the assessment made by the DRO, Bhiwani, the petitioners again sought arbitration before respondent No.1 having preferred application dated 09.11.2017 assailing the determination made vide supplementary award dated 15.12.2014. The learned Arbitrator vide its order dated 29.09.2023 rejected the same being not maintainable under Section 3 G(5) of the 1956 Act. Hence, the present writ petition.

3. Learned counsel for the petitioners submits that once a supplementary award was passed with respect to the super-structure existing over the acquired land only on 15.12.2014, a separate application under Section 3G(5) of the 1956 Act, for the purpose of raising claim for further enhancement qua super-structures was duly maintainable at the hands of petitioners-landowners and thus, was required to be entertained. He also contends that the impugned order passed by respondent No.1 was liable to

be set aside and the reference petition preferred at the hands of petitioners-landowners was to be restored for its fresh adjudication on merits.

4. On the other hand, learned counsel appearing on behalf of respondent No.3 submits that there was an inordinate delay on the part of the petitioners-landowners while seeking reference under Section 3G(5) of the 1956 Act with respect to the determination made vide supplementary award dated 15.12.2014 and thus, the same was rightly dismissed by respondent No.1. He also points out that the present writ petition was not maintainable as the petitioners-landowners could have filed the petition under Section 34 of the [Arbitration and Conciliation Act, 1996](#), impugning the order passed by the learned Arbitrator and as such, prayed that the writ petition was liable to be dismissed.

5. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioners.

6. A perusal of record shows that the order passed by learned Arbitrator-respondent No.1 is wholly non-speaking. No reason at all has been recorded by the learned Arbitrator to hold that the reference petition filed under Section 3G(5) of the 1956 Act, at the instance of petitioners-landowners was not maintainable.

6.1 As a matter of fact, once the supplementary award dated 15.12.2014 was passed by DRO, Bhiwani, with respect to the super-structure existing over the acquired land, a separate reference petition under Section 3G(5) of the 1956 Act, was very well maintainable at the instance of petitioners-landowners in order to seek re-determination of compensation. Moreover, the reference petition filed on 09.11.2017,

assailing the determination made by DRO, Bhiwani, vide its award dated 15.12.2014 was never rejected being hit by delay and latches or even being barred by limitation.

7. In the aforesaid facts and circumstances, the order dated 29.09.2023 been passed in complete violation of principles of natural justice as well as the mandate of Section 3G(5) of the 1956 Act, the objection raised at the instance of respondent No.3 regarding maintainability of the writ petition, is liable to be rejected.

8. In view of the aforesaid discussion, order dated 29.09.2023 passed by the learned Arbitrator, is hereby set aside. The reference petition dated 09.11.2017 preferred at the instance of petitioners-landowners is ordered to be restored back to respondent No.1 for its adjudication on merits after affording adequate opportunity to both the sides. The needful exercise be done within a period of 6 months from today as the acquisition relates back to the year 2010 and the petitioners-landowners have already suffered a lot on account of inordinate delay in the proceedings.

9. Pending applications, if any, also stand disposed of.

19.02.2026
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes
Whether reportable:	Yes