

248

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR-7436-2024

Date of Decision: 03.02.2026

National Highways Authority of India	.....	Petitioner
Versus		
Harkesh Singh and others	.....	Respondents

CR-7456-2024

National Highways Authority of India	.....	Petitioner
Versus		
Suman Rani and others	.....	Respondents

CR-7505-2024

National Highways Authority of India	.....	Petitioner
Versus		
Sunita Gupta and others	.....	Respondents

CR-7578-2024

National Highways Authority of India	.....	Petitioner
Versus		
Poonam Rani and others	.....	Respondents

CR-7580-2024

National Highways Authority of India	.....	Petitioner
Versus		
Harkesh Singh and others	.....	Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sumit Gupta, Advocate,
 for the petitioner-NHAI (through V.C.).

 Mr. Arihant Goyal, Senior Panel Counsel,
 for Union of India.

 Mr. Hemant Passi, Advocate for
 Mr. Kushagra Beniwal, Advocate
 for private respondents.



CR-7436-2024 (O&M)

-2-

JASGURPREET SINGH PURI, J. (ORAL)

1. All the revision petitions have been filed under Article 227 of the Constitution of India for setting aside orders dated 22.11.2024 (Annexure P-4) passed by learned Additional District Judge, Patiala and are taken up together for final disposal with the consent of learned counsels for the parties since they are similar in nature.

2. Learned counsel for the petitioner-NHAI submitted that when objections were filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') by the petitioner, then along with the aforesaid objections applications in all the five cases were filed under Section 36(2) of the Act seeking stay of the award. He further submitted that by way of the impugned order, it has been so directed by learned Additional District Judge, Patiala that 50% of the compensation amount deposited or to be deposited by the petitioner-NHAI before the Executing Court shall be released to the land-owners by the Executing Court after furnishing personal bonds with one surety for the said amount and the operation of the award qua remaining amount shall remain stayed till the pendency of the objections under Section 34 of the Act.

3. Learned counsel for the petitioner submitted that the prayer of the petitioner in all the five cases is only to a limited extent that the aforesaid order be modified to the extent that instead of the condition of furnishing of personal bond with one surety the same may be substituted with furnishing of adequate bank guarantee and in this regard he referred to a judgment passed by this Court in a bunch of Civil Revisions, with the lead case bearing No. ***CR-2594-2025*** titled as "***National Highways Authority of India versus Piara Lal and others***" decided on ***04.09.2025*** wherein it was so directed by this Court that



CR-7436-2024 (O&M)

-3-

NHAI is to deposit 100% of the award amount, out of which, 50% of the amount shall be deposited in the Nationalized Bank in the shape of FDR and the remaining 50% of the amount may be released to the land losers in the event of their filing an application, subject to furnishing of adequate bank guarantee.

3. Learned counsel appearing on behalf of all the private respondents in all the five cases submitted that it will be difficult for the land-losers to furnish bank guarantee and therefore, the aforesaid order passed by learned Additional District Judge, Patiala be not modified.

4. I have heard the learned counsels of the parties.

5. The issue involved in the present case is limited to the extent as to whether when learned Additional District Judge, Patiala has stayed the operation of the award, then with regard to disbursement of 50% of the total compensation amount to the land-losers, a condition can be imposed for furnishing of personal bond with one surety. This Court had an occasion to deal with the aforesaid issue in a bunch of civil revisions with the lead case i.e. ***National Highways Authority of India versus Piara Lal and others case (Supra)***. The relevant portion of the aforesaid judgment 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. This Court is therefore of the considered view that the limited prayer made by learned counsel for the petitioner-NHAI deserves to be accepted. Consequently, all the five revision petitions are allowed and the impugned order dated 22.11.2024 (Annexure P-4) passed by learned Additional District Judge, Patiala is hereby modified to the limited extent that the release of 50% of the amount to the respondents-land losers shall be upon furnishing of adequate bank guarantee instead of personal bonds.

03.02.2026
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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