

(2024) 11 UK CK 0014

Uttarakhand High Court

Case No: Writ Petition Miscellaneous Single No. 2963 Of 2024

Harbhajan Singh & Another

APPELLANT

Vs

National Highway Authority Of
India & Others

RESPONDENT

Date of Decision: Nov. 7, 2024

Acts Referred:

- National Highways Act, 1956 - Section 3G(5)

Hon'ble Judges: Pankaj Purohit, J

Bench: Single Bench

Advocate: B.M. Pingal, Naresh Pant, D.S. Bora

Final Decision: Allowed

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.
2. By means of the present writ petition, petitioners have sought the indulgence of this Court for a direction to the respondents to pay the compensation of Rs.62,82,000/- in lieu of arbitral award dated 27.01.2023 for acquisition of the land comprised in Khasra No.186/4 admeasuring 0.0781 hectare of Village Kichha, Tehsil Kichha, District U.S. Nagar for the purpose of widening of NH-74 (Kashipur to Sitarganj from 175 to 256.9 Km.) along with interest @ 18% per annum till actual payment.
3. It is the case of the petitioners that the land of the petitioners was acquired by the National Highway Authority of India for the purpose of widening of the NH-74 (Kashipur to Sitarganj from 175 to 256.9 Km.) vide notification dated 05.07.2013. After acquisition of the land, the proceedings for determination of compensation were conducted before the respondent no.2-Competent Authority under Land Acquisition Act, (CALA). The respondent no.2 has passed an award dated 12.06.2015 and the compensation of the land was determined @ Rs.7,500 per sq. mtr. accordingly, the petitioners were awarded a compensation to the tune of Rs.64,43,215, which amount was admittedly paid to the petitioners. None of the parties challenged the award passed by the CALA before any Forum provided under the law.
4. Respondent-CALA suo moto taking into account the IV Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 passed an supplementary award on 30.12.2017 for compensation to the tune of Rs.62,82,000/- in addition to the award passed by the respondent-CALA vide award dated 12.06.2015. Petitioners as well as the respondent-NHAI challenged the supplementary award dated 30.12.2017 before the Arbitrator under Section 3G (5) of

the National Highways Act, 1956. Both the arbitration cases were dismissed by the Arbitrator by a common judgment and order dated 27.01.2023. This judgment and order passed by the Arbitrator dated 27.01.2023 has attained finality as none of the parties to the arbitration have challenged the said judgment and order. Now, the grievance of the petitioners which is canvassed in the present writ petition is that petitioners want the compensation fixed in the supplementary award to be paid to them along with interest @ 18% per annum.

5. It is submitted by learned counsel for the petitioners that respondent-CALA has already made a request to the respondent-NHAI vide letter dated 06.06.2024 to make the payment of compensation to the petitioners, but the same has not been paid so far.

6. Per contra, learned counsel for the respondent-NHAI has submitted that only impediment in paying of the compensation to the petitioner fixed through supplementary award is that the computation of the compensation has not been done so far, which can only be done by the respondent-CALA and if computation is done by the respondent-CALA, there is no objection to the NHAI to make the payment of the compensation to the petitioners in view of the supplementary award dated 13.12.2017.

7. Though, it is refuted by learned counsel for respondent-NHAI that the petitioners are entitled for any interest on the compensation awarded by the supplementary award as the Arbitrator has not given any interest to the petitioners on that amount and the judgment and order of the Arbitrator dated 27.01.2023 has attained finality.

8. In the backdrop of the facts of the case, there is no dispute except that of the computation of the award to be done by respondent-CALA that is the only reason for which the compensation has not been paid to the petitioners.

9. Accordingly, the writ petition is allowed. A mandamus is issued to the respondent no.2-CALA to compute the compensation in terms of the supplementary award dated 30.12.2017 within a period of three months from today and if computation is done, the computation chart be sent to the respondent no.1-NHAI, who in its turn, will make the payment of the compensation computed by the respondent-CALA to the petitioners within next two months in accordance with law from the date of supply of the computation chart.

10. Pending application, if any, stands disposed of accordingly.