



152-3

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

**Civil Writ Petition No. 6388 of 2023 (O&M)
Date of Decision: 02.08.2025**

Satish Kumar and others

..... Petitioners

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ankit Joshi, Advocate
for the petitioners.

Mr. A.M. Garg, Advocate for
Mr. K.S. Kang, Advocate
for respondent Nos. 1 & 2.

Mr. Siddharth Sandhu, Assistant Advocate General, Punjab
for respondent No. 3.

HARKESH MANUJA, J. (ORAL)

The petitioners, by way of present writ petition, seek issuance of a writ in the nature of *mandamus* for directing the respondents to disburse 50% amount i.e. Rs. 26,20,622/- from the total amount of Rs.52,41,245/-, awarded to the petitioners vide Award dated 21.05.2019 (Annexure P-1) in Arbitration Case No. 121 of 2015.

[2] Learned counsel for the petitioners submits that even as on today, the amount of enhanced compensation has not been deposited by respondent No. 3 before the Executing Court and the rights of petitioners are being prejudiced on account of delay in disbursal of the enhanced compensation, especially when the respondent(s)-NHAI has been acting in discriminatory and arbitrary manner, while releasing the enhanced compensation in favour of some of the landowners pertaining to the same acquisition whereas depriving the others of the similar benefits.

[3] On the other hand, learned counsel for respondent Nos. 1 & 2 submits that present writ petition itself is not maintainable as the only remedy available with the petitioners is to file execution application in terms of Section 36 of the Arbitration & Conciliation Act, 1996 (**for short “Act of 1996”**). He further submits that the petitioners have even preferred execution application before the Court concerned, which is pending adjudication and thus, the present petition is liable to be dismissed.

[4] I have heard learned counsel for the parties and gone through the paper-book.

[5] On the point of law, the Hon’ble Apex Court has been pleased to hold that the writ petitions filed under Article 226 of the Constitution of India should not be entertained for the purpose of enforcement of the arbitration awards passed under the National Highways Act, 1956 (**for short “Act of 1956”**) as the remedy available to the landowners is to seek execution of the awards in terms of provisions of the Act of 1996. Reference in this regard can be made to the two decisions rendered by the Hon’ble Apex Court in case (i) **Appeal (C) No. 12409 of 2022, decided on 01.08.2022**, titled **“The Project Director National Highways Authority of India Versus Saraswatibai Chandrakant Shinde & Ors.”**; and (ii) **Civil Appeal No. 5256 of 2022, decided on 24.08.2022**, titled **“National Highways Authority of India Versus Sheetal Jaidev Vade & Ors.”**.

However, despite laying down the aforesaid, the Hon’ble Apex Court has been pleased to issue certain directions to the National Highways Authority of India (NHAI) for the purpose of deposit of the enhanced compensation before the Executing Court. Relevant para-7.1 of the case ***Sheetal Jaidev Vade’s (supra)*** is extracted hereunder:-

“ **7.1** *In view of the above discussion, we would have set aside the impugned judgment and order passed by the High Court on the aforesaid ground alone. However, taking into consideration the similar order passed by this Court in the case of Saraswatibai Chandrakant Shinde (supra), we deem it appropriate to dispose of the present proceedings/appeal with the following directions:*

- (i) The NHAI shall deposit 50 per cent of the compensation amount, as awarded by the Arbitral Court, with the Executing Court within a period of four weeks. The said amount shall be released to the land owners unconditionally.*
- (ii) The learned District Court, before whom the proceedings under Section 34 of the Arbitration Act are pending, shall make an endeavour to decide such proceedings within a period of six months from the next date of hearing before the said court.*
- (iii) The balance amount of compensation as per the Award to be passed under Section 34 of the Arbitration Act, shall be deposited by the NHAI with the Executing Court within four weeks after such determination. The said amount shall also be released by the Executing Court in favour of the land owners subject to the rights and remedies available to the parties in law. ”*

[6] In view of the aforesaid exposition of law, present petition is ***disposed off*** in terms of directions issued in case of ***Sheetal Jaidev Vade's case (supra)***.

[7] Also, the Hon'ble Supreme Court in case "***Rahul S. Shah Versus Jinendra Kumar Gandhi and others***", reported as (2021) 6 SCC 418, held as follows:-

"That the executing Court must dispose of execution proceedings within 6 months from the date of filing which may be extended only by recording reasons in writing for such delay."

[8] Therefore, the Executing Court concerned is requested to decide / dispose off the Execution Petition as per law within a period of six months from the date of receipt of certified copy of this order.

[9] It is made clear that nothing said hereinabove shall be construed as an expression of opinion on the merits of the execution proceedings.

[10] Pending miscellaneous application(s), if any, shall also stand disposed off.

August 02, 2025

'dk kamra'

**(HARKESH MANUJA)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>