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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Date of decision: 04.08.2025

(I) CR-4602-2025

NATIONAL HIGHWAY AUTHORITY OF INDIA

...Petitioner(s)

VERSUS

JASDEEP SINGH SOHAL AND OTHERS

...Respondent(s)

(II) CR-4612-2025

NATIONAL HIGHWAY AUTHORITY OF INDIA

...Petitioner(s)

VERSUS

VISHAL SHARMA AND OTHERS

...Respondent(s)

(III) CR-4630-2025

NATIONAL HIGHWAY AUTHORITY OF INDIA

...Petitioner(s)

VERSUS

VINEET SHARMA AND OTHERS

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Mr. Rishi Kaushal, Advocate and  
Mr. Bhupender Singh, Advocate for the petitioner.

Mr. Vijay Kumar Jindal, Senior Advocate with  
Mr. Akshay Jindal, Advocate and  
Mr. Abhishek Shukla, Advocate  
for respondents No.1 and 2 in CR-4602-2025 and  
for respondents No.1 to 6 in CR-4612-2025.



Mr. Yashraj Singh Deora, Senior Advocate with  
(Through Video Conferencing)  
Mr. Vikram Rathore, Advocate and  
Mr. Chander Kant Rana, Advocate  
for respondents No.1 and 2 in CR-4630-2025.

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**JASGURPREET SINGH PURI, J. (Oral)**

1. All the three petitions are taken up together for final disposal with the consent of learned counsels for the parties.
2. These Civil Revision Petitions have been filed under Article 227 of the Constitution of India for setting aside the impugned orders dated 11.07.2025 (Annexure P-2) and dated 24.02.2025 (Annexure P-3) along with all consequential proceedings before the learned Executing Court with a further prayer to direct the Court of the learned Additional District Judge, Jalandhar to decide the stay applications in the petition under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') and also to stay the operation of the impugned orders dated 11.07.2025 (Annexure P-2) and dated 24.02.2025 (Annexure P-3) along with all consequential proceedings till the decision of the aforesaid stay applications.
3. Mr. Rishi Kaushal, learned counsel for the petitioner-National Highways Authority of India (NHAI) submitted that after the award was passed by the Competent Authority for Land Acquisition (CALA), the matter was sent to the learned Arbitrator under Section 3G(5) of the National Highways Act. He further submitted that thereafter, the petitioner-NHAI against whom the award was passed filed objections under Section 34 of the Act and separate applications were also filed under Section 36(2) of the Act and for seeking



condonation of delay, although the objections were filed beyond the prescribed period of three months but the same were filed before the extended period of 30 days and both the aforesaid applications have not been decided till date and in the meantime, the learned Executing Court has now by way of the impugned order dated 11.07.2025 (Annexure P-2) directed that the letter of remission of amount involved in the execution application in accordance with calculation sheet be written to the concerned bank for remission of such amount in the shape of cheque to be payable in favour of the decree holders.

4. Learned counsel for the petitioner further submitted that in this way, the learned Executing Court has directed that the entire payment of the enhanced amount be given to the land-owners after attaching the account of the judgment debtor-National Highways Authority of India. He further submitted that in the absence of any decision on the applications under Section 36(2) of the Act, the aforesaid execution is now being carried out, which is causing prejudice to the rights of the judgment debtor-National Highways Authority of India. He further submitted that a direction may be issued to the learned competent Court exercising the powers under Sections 34 and 36(2) of the Act to decide the stay applications, within the shortest possible time frame work. He further submitted that at the time of consideration the stay applications under Section 36(2) of the Act, the learned Court deciding the same is required to consider the judgment passed by Hon'ble Supreme Court in **Special Leave to Appeal (Civil) No.15585 of 2025**, titled as **National Highways Authority of India versus Mam Kaur and others**, decided on **14.07.2025** and various other similar judgments. He also submitted that in case the Executing Court proceeds



with the disbursement of the entire amount to the decree holders, then it will cause acute prejudice to the judgment debtor-National Highways Authority of India.

5. Mr. Yashraj Singh Deora, learned Senior Counsel appearing on behalf of respondents No.1 and 2 in CR-4630-2025 has joined the proceedings through video conferencing and submitted that once the stay applications under Section 36(2) of the Act have not yet been decided by the learned Court, then the Executing Court has to execute the award itself and therefore, no fault can be found in the order passed by the learned Executing Court, wherein the entire amount has been directed to be disbursed to the land-owners after attaching the account of the judgment debtor-National Highways Authority of India. He further submitted that there is no jurisdictional error in the order passed by the learned Executing Court by way of the aforesaid impugned orders. He further submitted that it is correct that the Court considering the objections under Section 34 of the Act as well as the stay applications under Section 36(2) of the Act has till date not decided the stay applications. He further submitted that so far as the issue as to how much amount is to be given to the land-owners and by what method it is to be given is concerned, the same is to be considered in terms of Order 41 Rule 5 of the Code of Civil Procedure and various other judgments of Hon'ble Supreme Court.

6. Mr. Vijay Kumar Jindal, learned Senior Counsel appearing on behalf of respondents No.1 and 2 in CR-4602-2025 and for respondents No.1 to 6 in CR-4612-2025 submitted that the stay applications, even if directed to be decided within a stipulated time frame work, are to be considered in light of the



law laid down by the Hon'ble Supreme Court and also in light of Order 41 Rule 5 of the Code of Civil Procedure.

7. After hearing the learned counsels for the parties, all the three petitions are disposed of. Considering the fact that the applications under Section 36(2) of the Act are still pending before the learned Court hearing the objections under Section 34 of the Act, it will be just and proper to direct the learned Court considering the aforesaid applications to decide the same, within a period of four weeks from today, strictly in accordance with law and after taking into consideration the contentions raised by both the parties. It is further directed that until the applications under Section 36(2) of the Act are decided by the learned Court, the decretal amount shall be deposited by the petitioner-National Highways Authority of India, if not already deposited, but the same shall not be disbursed to the decree holders.

8. A copy of this order be sent to the concerned Court.

**04.08.2025**  
Chetan Thakur

**(JASGURPREET SINGH PURI)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No