



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

**Sr. No.121**

**TA-1093-2024  
Date of Decision: 20.03.2025**

**GURJIT SINGH**

**...Applicant**

**Versus**

**UNION OF INDIA AND OTHERS**

**.....Respondents**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Ranjit Saini, Advocate  
for the applicant.

Mr. K.S. Kang, Advocate  
for respondent No.1-NHAI.

Ms. Jagriti Kalia, Assistant Advocate General, Punjab,  
for respondents No.2 to 4.

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**ARCHANA PURI, J. (Oral)**

The present application has been filed by the applicant-Gurjit Singh, son of Nachhatar Singh, for seeking transfer of the objection petition under Section 34 of the Arbitration and Conciliation Act i.e. ARB/37/2021, titled '*Union of India Vs. Gurjit Singh and others*', which is pending before learned Additional District Judge, Barnala and the applicant seeks transfer of the same to the Court of competent jurisdiction at Patiala.

Upon notice, the contesting respondent No.1-NHAI, made appearance through counsel and filed reply.

Learned counsel for the parties heard.



As culled out from the paperbook, the Union of India, under the National Highways Act, 1956, had compulsorily acquired the land of the land-owners, situated in village Bhaini Mehraj, Tehsil and District Barnala. In pursuance of the notification under Section 3D of the ibid Act, the Collector announced the Award dated 20.01.2014. In consonance with the provisions of the Act, the Government of Punjab, Ministry of Personnel, on 16.10.2014, appointed the Divisional Commissioner, Patiala, as Arbitrator, to resolve the issue, arising out of the acquisition by the National Highways Authority of India. Thereupon, the Arbitrator passed an Award on 14.05.2020. The Arbitrator determined the market value of the land @ Rs.1,25,00,000/- per acre, along with 30% solatium and 9% interest.

However, the Award passed by the Arbitrator-cum-Divisional Commissioner, Patiala, was challenged by the Union of India by way of filing objection petition before the Additional District Judge, Barnala, which is sought to be transferred.

Also further, it is submitted that one of the land-owner-Gurjeet Singh, whose arbitration case was decided by the Arbitrator, approached this Court, for transfer of the objection petition filed by the Union of India, from the Court of Additional District Judge, Barnala to the Court of Additional District Judge, Patiala, by filing the transfer application i.e. TA-863-2021 and the same was in fact, transferred to the Court of Additional District Judge, Patiala, vide order dated 14.10.2021, copy whereof is Annexure P-4. Also further, it is submitted that the respondent had filed the objection petition under Section 34 of the Arbitration and Conciliation Act, 1996, copy whereof is Annexure P-2 and the same is later in time. The main matter already stands transferred to the Court of Additional District Judge,



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Patiala. The consolidated judgment was passed and since the main case, filed by Gurjeet Singh, whose land was also acquired, stood transferred, therefore, the objection petition filed by the Union of India, deserves to be transferred to the Court of Additional District Judge, Patiala.

The contesting respondent in reply, raised the preliminary objection that the transfer application has been filed solely to delay the proceedings of the objection petition, pending before the Additional District Judge, Barnala, since 27.09.2021. In fact, it is submitted that the proceedings under Section 34 of the Arbitration and Conciliation Act, would be where the land has been located and not at the place, where the Award has been awarded by the learned Tribunal. As such, in this case, the land of the applicant was acquired in District Barnala and the Court of Additional District Judge, Barnala, would have the competent jurisdiction to adjudicate the same. Even though, parity is claimed qua the case i.e. '***Gurjeet Singh Vs. Union of India and others***', mentioned in the Award and transferred to Patiala Courts, but however, it is stated that each land-owner is differently situated, having different potential and value in objection proceedings under Section 34 of the Arbitration and Conciliation Act and each case has to be adjudicated independently. Decision in one, cannot be the decision in the other case.

In the light of the aforesaid submissions, it is also emphasized by the counsel for the contesting respondent No.1, that no case is made out for allowing the transfer application.

It is pertinent to mention that to assail the consolidated Award, various transfer applications were filed, at first instance, for transfer of the objection petitions, from the Courts at Barnala to the Court of competent



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jurisdiction at Patiala and the same were allowed, vide order dated 14.10.2021, passed by this Court, copy whereof is Annexure P-4. Thereafter, two sets of transfer applications were again dealt by this Court, thereby seeking transfer of the objection petitions, filed at Barnala and Patiala also. Therein, it was categorically observed that the policy decision was taken by the National Highways Authority of India about filing of the petition under Section 34 of the Arbitration and Conciliation Act, 1996, in the Civil Courts, where the land has been acquired and not at the location of the arbitration proceedings to facilitate/convenience of the land-owners/NHAI and to avoid multiplicity of the proceedings. However, the said policy is reproduced in Annexure P-4. Perusal of the same reveals that it was issued on 11.10.2021.

The aforesaid policy is prospective in nature and takes care of the objections, which are filed subsequent to the policy decision. However, the earlier transfer orders, as relied upon, which were passed, related to the matters, which were already pending on the date of implementation of the policy decision. Even, in the case in hand, the objections have been filed on 27.09.2021 and the policy came into existence on 11.10.2021, which in itself is a distinctive factor. The earlier orders passed on the transfer applications, with regard to the objections filed, which were pending at Barnala, have not been further challenged by the National Highways Authority of India. In the given circumstances, proceedings of two objection petitions, one filed by the land-owners and other filed by the Union of India, arising from the same Award, tried by two different Courts, will definitely create a chaotic situation and also the chances of conflicting orders being passed cannot be ruled out. To avoid arising of such a situation, it is required that the



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objection petitions be decided by one and the same Court.

Considering the same, the transfer application is hereby allowed and the objection petition under Section 34 of the Arbitration and Conciliation Act i.e. ARB/37/2021, titled '*Union of India Vs. Gurjit Singh and others*', filed by respondent No.1-Union of India, stands transferred to the Court of competent jurisdiction at Patiala.

The transferer Court is requested to remit the record of the aforesaid case to the transferee Court forthwith. The parties through their respective counsel, are directed to appear before the Court of District Judge, Patiala on 08.04.2025, who shall retain the matter himself, or assign it to the Court of competent jurisdiction at Patiala.

**20.03.2025**  
Himanshu

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No