



**201
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR-2594-2025(O&M)
Date of Decision:04.09.2025**

**(1)
National Highways Authority of India**

...Petitioners)

Versus

Piara Lal and others

.....Respondent(s)

CR-2774-2025(O&M)

**(2)
National Highways Authority of India**

...Petitioners)

Versus

Jagar Singh and others

.....Respondent(s)

CR-2762-2025(O&M)

**(3)
National Highways Authority of India**

...Petitioners)

Versus

Kali Ram (since deceased) through his LRs and others

.....Respondent(s)

CR-5174-2025(O&M)

**(4)
National Highways Authority of India and another**

...Petitioners)

Versus

Sarabjit Kaur and others

.....Respondent(s)



CR-5177-2025(O&M)

**(5)
National Highways Authority of India and another**

....Petitioners)

Versus

Sandeep Singh and others

.....Respondent(s)

CR-5184-2025(O&M)

**(6)
National Highways Authority of India and another**

....Petitioners)

Versus

Sarabjit Singh and others

.....Respondent(s)

CR-5187-2025(O&M)

**(7)
National Highways Authority of India and another**

....Petitioners)

Versus

Narinderjit Kaur and others

.....Respondent(s)

CR-5199-2025(O&M)

**(8)
National Highways Authority of India and another**

....Petitioners)

Versus

Jaspal Singh and others

.....Respondent(s)

CR-5175-2025(O&M)

**(9)
National Highways Authority of India and another**

....Petitioners)

Versus



Jaspal Singh and others

.....Respondent(s)

CR-5178-2025(O&M)

(10)

National Highways Authority of India and another

...Petitioners)

Versus

Paramjit Singh and others

.....Respondent(s)

CR-5189-2025(O&M)

(11)

National Highways Authority of India and another

...Petitioners)

Versus

Daljit Kaur and others

.....Respondent(s)

CR-3565-2025(O&M)

(12)

Project Director, National Highways Authority of India

...Petitioners)

Versus

Kusam Khanna and others

.....Respondent(s)

CR-3566-2025(O&M)

(13)

Project Director, National Highways Authority of India

...Petitioners)

Versus

Baltar Singh and others

.....Respondent(s)

CR-3567-2025(O&M)



(14)

Project Director, National Highways Authority of India

....Petitioners)

Versus

Pargat Singh and others

.....Respondent(s)

CR-3568-2025(O&M)

(15)

Project Director, National Highways Authority of India

....Petitioners)

Versus

Manmohan Singh and others

.....Respondent(s)

CR-3569-2025(O&M)

(16)

Project Director, National Highways Authority of India

...Petitioners)

Versus

Gursharan Singh Hundal and others

.....Respondent(s)

CR-3570-2025(O&M)

(17)

Project Director, National Highways Authority of India

....Petitioners)

Versus

Jasdeep Singh and others

.....Respondent(s)

CR-3571-2025(O&M)

(18)

Project Director, National Highways Authority of India



....Petitioners)

Versus

Kamaldeep Sharma and others

.....Respondent(s)

CR-5308-2025(O&M)

(19)

National Highways Authority of India

....Petitioners)

Versus

Parminder Singh and others

.....Respondent(s)

CR-6032-2025(O&M)

(20)

National Highways Authority of India

....Petitioners)

Versus

Vineet Sharma and others

.....Respondent(s)

CR-6033-2025(O&M)

(21)

National Highways Authority of India

....Petitioners)

Versus

Jasdeep Singh Sohal and others

.....Respondent(s)

CR-6034-2025(O&M)

(22)

National Highways Authority of India

....Petitioners)



Versus

Vishal Sharma and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. R.S.Madan, Advocate,
for the petitioner in CR-2594-2025,
CR-2774-2025 and CR-2762-2025.

Mr. D.K. Singal, Advocate,
for the petitioner in CR-5174-2025,
CR-5177-2025, CR-5184-2025,
CR-5187-2025, CR-5199-2025,
CR-5175-2025, CR-5178-2025 and
CR-5189-2025.

Mr. Rishi Kaushal, Advocate,
Mr. K.S. Kang, Advocate and
Mr. Bhupender Singh, Advocate,
for the petitioner in CR-3565-2025,
CR-3566-2025, CR-3567-2025,
CR-3568-2025, CR-3569-2025,
CR-3570-2025, CR-3571-2025,
CR-5308-2025, CR-6032-2025,
CR-6033-2025 and CR-6034-2025.

Mr. Karan Gupta, Advocate,
for respondent No.1 and 2 in CR-2594-2025,
for respondent No.1 in CR-2774-2025 and
for respondent No.1 and 2 in CR-2762-2025.

Mr. Inderjeet Sharma, Advocate,
for the respondent No.1 & 2 in CR-5174-2025,
for the respondent No.1 to 4 in CR-5177-2025,
for the respondent No.1 & 2 in CR-5184-2025,
for the respondent No.1 to 3 in CR-5187-2025,
for the respondent No.1 to 5 in CR-5199-2025,
for the respondent No.1 to 3 in CR-5175-2025,
for respondents No.1 in CR-5178-2025,
for respondents No.1 to 5 in CR-5189-2025.

Mr. Yash Raj Deora, Senior Advocate
(Through Video Conferencing) with
Mr. Satbir Rathore, Advocate,
Mr. Vikram Rathore, Advocate,
Mr. Digvijay Singh Rana, Advocate,
Mr. Sumit Rana, Advocate,
Mr. Prince Rana, Advocate,



Mr. Chander Kant Rana, Advocate and
Ms. Jyotika Behl, Advocate
for the respondents No.1 to 5 in CR-3566-2025,
for the respondents No.1 to 10 in CR-3567-2025,
for the respondents No.1 to 5 in CR-3568-2025,
for the respondents No.1 to 3 in CR-3569-2025,
for the respondent No.1 in CR-3570-2025,
for the respondents No.1 and 2 in CR-6032-2025,
for the respondents No.1 and 2 in CR-6033-2025 and
for the respondents No.1 to 6 in CR-6034-2025.

Mr. Gaganeshwar Walia, Advocate and
Mr. K.S. Minhas, Advocate,
for respondent No.1 to 4 in CR-3565-2025 and
for respondents No.1 to 3 in CR-3571-2025.

Mr. Raj Karan Singh Verka, Advocate,
for the respondents No.1 to 5 in CR-5308 of 2025.

Mr. Amit Kumar Goyal, Addl. A.G, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. All the Civil Revision Petitions are being taken up together for final disposal with the consent of learned counsels for the parties.
2. All the Civil Revision Petitions have been filed by the National Highways Authority of India (hereinafter referred to as 'NHAI') and the respondents, who are the land losers, are being represented by their respective counsels.
3. The only issue involved in all these revision petitions is that land was acquired for the purpose of building of National Highways and awards were passed by the Competent Authority for Land Acquisition (CALA) under the National Highways Act, 1956 (hereinafter referred to as '1956 Act') . Admittedly, the amount of awards passed by the aforesaid CALA has already been paid to all the land losers. Thereafter, as per the provisions of Section 3G (5) of 1956 Act, references were made to the concerned authority who is the Commissioner-cum-Arbitrator for deciding the references by way of



arbitration process. In all the cases, the learned Arbitrator has enhanced the amount and award has been made by the learned Arbitrator regarding the same. NHAI in all the aforesaid cases has assailed the aforesaid award by filing objections under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act'). These objections under Section 34 of the Act, which were filed by the NHAI are pending before the concerned Courts of learned Additional District Judges for about 1 to 3 years. In all the objections filed by the NHAI under Section 34 of the Act, applications were moved by NHAI under Section 36(2) of the Act for grant of stay on disbursement of the enhanced amount. By way of the present impugned orders, the Courts of Additional District Judges have disposed of the applications by directing that 100% of the amount be deposited by the NHAI and out of the aforesaid 100% amount being deposited, 50% of the amount is to be released to the land losers on furnishing adequate security in some of the cases and indemnity bond/personal bond in other cases.

4. All the learned counsels appearing in different cases on behalf of the NHAI submitted that the challenge to the present impugned orders is only to a limited extent for seeking modification of the aforesaid orders whereby 50% amount which has been directed to be released to the land losers may be released not on the basis of furnishing of adequate security/indemnity bond/personal bond but it may be released on furnishing of adequate bank guarantee.

5. All the learned counsels for the petitioners-NHAI have further submitted that so far as the issue pertaining to the deposit of 100% of the award amount granted by the Arbitrator under Section 3G (5) of 1956 Act is concerned, in most of the cases the aforesaid 100% amount has already been deposited and in case 100% amount determined under Section 3G (5) of 1956



Act is not deposited till date, then they specifically undertake to deposit the same before the learned Executing Court within a period of three weeks from today. They also submitted that in case the aforesaid amount of 100% has already been deposited before the CALA, then it will be their responsibility to ensure that the amount is transferred to the learned Executing Court so that further orders regarding disbursement of 50% of the total amount can be implemented.

6. Learned counsels for the petitioner-NHAI while making submissions pertaining to seeking modification of the impugned orders submitted that the aforesaid issue as to whether the 50% amount is to be disbursed on the basis of furnishing of adequate security/indemnity bonds/personal bonds or by furnishing bank guarantee has been decided by Hon'ble Supreme Court in a large number of cases. Mr. Rishi Kaushal, Advocate, one of the counsels for NHAI has supplied a list of 205 cases wherein the Hon'ble Supreme Court has modified the orders passed by this Court. As per learned counsel, in the aforesaid 205 cases, this Court had directed the disbursement of 50% of the amount to the land losers by furnishing adequate security, which was modified by Hon'ble Supreme Court in different SLPs to the extent that 50% of the amount be released by furnishing of bank guarantee. The aforesaid list supplied by Mr. Rishi Kaushal, learned counsel for NHAI is taken on record as Mark-X and a copy of the same has already been supplied to the learned counsels for the land losers. The Registry is directed to tag the aforesaid Mark-X at an appropriate place in the paper-book in one of the cases.

7. Learned counsels submitted that in this way, consistently, the Hon'ble Supreme Court has taken a view that in cases involving NHAI where objections under Section 34 of the Act are pending and are not decided and the



applications under Section 36(2) of the Act are to be decided, then 50% of the amount can be disbursed to the land losers only on furnishing of bank guarantee and not by way of security.

8. Learned counsels for the NHAI in this regard have also referred to the orders passed by Hon'ble Supreme Court in ***National Highways Authority of India Versus Maharaj Singh and others, SLP (c) No.27295 of 2024, decided on 20.02.2025*** to contend that by way of the aforesaid orders dated 20.02.2025, it was directed that the orders passed by High Court were modified to a limited extent that the withdrawal of the 50% of the amount deposited by the NHAI shall be permitted, subject to the claimants furnishing a bank guarantee for the said amount to the satisfaction of the said Court. They submitted that thereafter other SLPs were also filed before the Hon'ble Supreme Court which were decided in a bunch of ***SLP(Civil) No.27228/2024***, titled ***National Highways Authority of India Versus Pankush Mittal and others*** on similar lines. Thereafter another bunch of SLPs was also decided in ***SLP (C) No.15585 of 2025, titled National Highways Authority of India Versus Mam Kaur and others, decided on 14.07.2025*** wherein all the Special Leave Petitions were disposed of in terms of the earlier order passed by Hon'ble Supreme Court in ***Maharaj Singh's case (supra)***. Learned counsels submitted that similar kind of orders have been passed by Hon'ble Supreme Court, wherein it was directed that 50% of the amount is to be disbursed to the land losers on furnishing of bank guarantee and not by way of security etc.

9. Learned counsels further submitted that the reasons as to why the NHAI insists upon disbursement of the amount to the land losers on the basis of bank guarantee and not on the basis of security are that when the 100% amount which has been granted by the Arbitrator under Section 3G(5) of 1956 Act is deposited before the learned Executing Court, then the purpose of



securing the amount stands fulfilled even in terms of Order XLI Rule 5 of CPC and when the award which is otherwise deemed to be a decree of a Civil Court is to be stayed, then the purpose of securing the amount stands fulfilled by deposit of 100% of the amount and thereafter, in case 50% amount is to be released to the land losers, then the better method of securing the aforesaid amount from the land losers is by way of bank guarantee and not security. They submitted that earlier in many cases, security was furnished by the land losers which was not adequate but still it was accepted by different Courts and in such cases thereafter it becomes difficult for the NHAI to recover the amount from the land losers in case any adverse orders are passed against the land losers while deciding the objections under Section 34 of the Act. They submitted that the impugned orders being inconsistent with the view taken by Hon'ble Supreme Court may be modified only to a limited extent as aforesaid.

10. On the other hand, learned counsels appearing on behalf of the land losers in all the cases submitted that in fact, furnishing of bank guarantee would be very harsh for the land losers as first of all they will have to deposit an amount to the extent of 1½ times of the amount and it is only as per the guidelines of the Reserve Bank of India that the bank guarantee is furnished. They submitted that it is a normal procedure for all the Banks in India that either a cash amount of 1½ times is deposited for the purpose of obtaining a bank guarantee or land equivalent to about 3 to 4 times the amount is taken as a security and only then the bank guarantee is issued by the bank, which is beyond the capacity of the landlosers.

11. All the learned counsels for the parties have submitted that it is undisputed that all land losers have already received the amount of the award passed by the CALA, which was the initial award but they have not received



any amount regarding the award which has been passed by the learned Arbitrator under Section 3G(5) of 1956 Act.

12. Learned counsels further referred to other judgments of Hon'ble Supreme Court in this regard. A reference was made to an order passed by the Hon'ble Supreme Court ***dated 01.08.2022 in SLP No.12409 of 2022 in Project Director, National Highways Authority of India Versus Saraswatibai Chandrakant Shinde and others***, wherein it was directed that 50% of the compensation amount of the award passed under Section 34 of the Arbitration Act shall be released to the landowners unconditionally and the remaining amount shall be deposited by the NHAI with the Executing Court within four weeks after such determination and the same shall also be released to the landowners subject to the rights and remedies available to the parties in law and in this way, the order passed by the High Court of Bombay was modified in the aforesaid terms. They also referred to another judgment of Supreme Court in ***National Highways Authority of India Versus Sheetal Jaidev Vade and others, Civil Appeal No.5256 of 2022, decided on 24.08.2022***, wherein while referring to the aforesaid judgment in ***Saraswatibai Chandrakant Shinde's case (Supra)***, similar directions were also issued. They submitted that considering the fact that the respondents-land losers have lost their land and the objection petitions under Section 34 of the Act are pending before the concerned Courts of learned Additional District Judges for about 1 to 3 years and they have not been able to receive any money as per award which was passed under Section 3G(5) of 1956 Act, prejudice is being caused to them and therefore, the present petitions are liable to be dismissed. They submitted that although the award amount already stands secured by deposit of the 100% of the amount with the Executing Court but the land losers will not be able to take advantage of the same, even to the extent of 50%, in case the same is to be



released on the basis of furnishing of bank guarantee. On the other hand, in case they are able to get the aforesaid 50% amount on the basis of furnishing adequate security/indemnity bond, then it will be easier for them to get at least 50% of the amount. They also submitted that the adjudication of the objections under Section 34 of the Act may take a long time and in this way, considering the delay being caused in the final adjudication of objections under Section 34 of the Act, prejudice will be caused to the landlosers in case the impugned orders are modified as prayed for by the learned counsels for the petitioners.

13. Mr. Yash Raj Deora, learned Senior Advocate for some of the land losers while appearing through video conferencing has raised an additional plea that the present are the civil revision petitions and the scope of a revision petition is very limited and the Court could interfere only when the impugned order is either without jurisdiction or it has exercised powers in excess of its jurisdiction or the order is so perverse in nature that intervention becomes necessary in a revision petition under Article 227 of the Constitution of India. He submitted that the present is not a case which falls in either of the aforesaid three categories and therefore, on this ground as well, the revision petitions are liable to be dismissed.

14. I have heard the learned counsels for the parties.

15. First of all, so far as the arguments raised by the learned Senior Counsel for the land losers with regard to the maintainability of the present revision petitions under Article 227 of the Constitution of India are concerned, there is no dispute with regard to the proposition of law that the scope of interference in a revision petition under Article 227 of the Constitution of India is very limited. The proposition of law as stated by the learned Senior Counsel for the land losers is well established on the



principles of law. Whether the orders which are required to be interfered in a revision petition are perverse or not can only be seen in the facts and circumstances of each and every case. There is neither any pigeon hole theory nor there is a straightjacket formula for the same. Every case is dependent upon its own facts and circumstances. The present cases pertain to an issue wherein a large number of cases have been decided by this Court and various other High Courts but Hon'ble Supreme Court in the orders cited by the learned counsels for the parties in some of the cases has directed release of 50% of the amount on furnishing of bank guarantee only and in some other cases, as cited by the learned counsels for the landlosers, 50% of the amount has been released unconditionally. Therefore, the scope of issue becomes broader in nature and it becomes imperative for this Court to consider the revision petitions filed by the petitioners in their true perspective and to pass an order accordingly by suitable intervention.

16. In case the orders passed by learned Additional District Judges while passing orders on the applications under Section 36(2) of the Act have a large effect on a large number of cases, this Court is of the considered view that the petitioners cannot be non-suited only on the ground of the aforesaid objection taken by the learned Senior Counsel. This Court is of the considered view that these are fit cases where this Court should entertain the revision petitions under Article 227 of the Constitution of India and adjudicate upon the same in accordance with law.

17. The judgments which have been so cited by the learned counsels for the NHAI are reproduced as under:-

(i) *National Highways Authority of India Versus Maharaj Singh and others, SLP (c) No.27295 of 2024.*



“1. *Leave granted.*

2. *In these cases, petitions under Section 34 of the Arbitration and Conciliation Act, 1996 (for short, ‘the 1996 Act’) are pending. The High Court was right in imposing condition of the appellant depositing 50 per cent of the compensation amount as a condition for grant of stay. However, the High Court should have secured the amount by directing the respondents-claimants to furnish a bank guarantee for the said amount to the satisfaction of the Court in which Section 34 petitions are pending.*

3. *Accordingly, we modify the impugned orders to that limited extent. The withdrawal of the 50% of the amount deposited by the appellant shall be permitted subject to the respondents-claimants furnishing a bank guarantee for the said amount to the satisfaction of the said Court.*

4. *If the claimants failed to withdraw the amount on furnishing bank guarantee as aforesaid within four months from today, the amount shall be deposited in the fixed deposit with any nationalised bank and the fixed deposit shall be renewed from time to time till the disposal of the petitions before the High Court.*

5. *We are conscious of the fact that some of the claimants are not served. If they need any clarification /modification, they are free to apply to this Court.*

6. *The appeals are partly allowed on the above terms”.*

(ii) *National Highways Authority of India Versus Pankush Mittal and others, SLP(Civil) No.27228 of 2024.*

“*Leave granted.*

The impugned orders are modified to a limited extent. It will be open for the executing Court to disburse 50 per cent of the compensation amount to the claimants against



a bank guarantee of a nationalised bank to be furnished by the claimants to the satisfaction of the executing Court. The remaining amount shall be invested in a fixed deposit with any nationalised bank and the fixed deposit shall be renewed from time to time till the disposal of the appeals before the High Court.

The Appeals are partly allowed on the above terms”

(iii) National Highways Authority of India Versus Mam Kaur and others, SLP (C) No.15585 of 2025.

“We dispose of these Special Leave Petitions by following the order dated 27.05.2025 passed by this Court in SLP(C) No.12381/2025 [National Highways Authority of India vs. Balwant Singh And Ors.]. For ease of reference the aforesaid order is extracted as under:

"Permission to file Special Leave Petition(s) is granted.

Delay condoned.'

We dispose of these Special Leave Petitions by reserving liberty to the petitioner(s) herein to seek modification of the impugned interim order(s) on the basis of the final order dated 20.02.2025 passed by this Court in the case of National Highways Authority of India Vs. Maharaj Singh & Ors. (S.L.P (C) No. 27289/2024 and connected matters).

For ease or reference, the relevant portion of the said order is extracted as under -

- 1. Leave granted.*
- 2. In these cases, petitions under Section 34 of the Arbitration and Conciliation Act, 1996 (for short, 'the 1996 Act') are pending. The High Court was right in imposing condition of the appellant depositing 50 per cent of the compensation amount as a condition for grant of stay. However, the High Court should have*



secured the amount by directing the respondents-claimants to furnish a bank guarantee for the said amount to the satisfaction of the Court in which Section 34 petitions are pending.

3. Accordingly, we modify the impugned orders to that limited extent. The withdrawal of the 50% of the amount deposited by the appellant shall be permitted subject to the respondents-claimants furnishing a bank guarantee for the said amount to the satisfaction of the said Court.

4. If the claimants failed to withdraw the amount on furnishing bank guarantee as aforesaid within four months from today, the amount shall be deposited in the fixed deposit with any nationalised bank and the fixed deposit shall be renewed from time to time till the disposal of the petitions before the High court.

5. We are conscious of the fact that some of the claimants are not served. If they need any clarification / modification, they are free to apply to this Court.

6. The appeals are partly allowed on the above terms."

The Special Leave Petitions are disposed of in the aforesaid terms.

Pending application(s) including the application(s) for deletion /addition /modification of parties shall stand disposed of."

The aforesaid order shall apply to these cases also.

Pending applications(s), if any, shall stand disposed of."

18. The judgments which have been cited by the learned counsels for the land losers are also reproduced as under:-



(i) ***National Highways Authority of India Versus Saraswatibai Chandrakant Shinde and other, SLP No.12409 of 2022.***

“Heard Ms. Aishwarya Bhati, learned ASG appearing on behalf of the Petitioner and Mr. Ravindra Keshavrao Adsure, learned counsel who has appeared on caveat on behalf of the Respondent No.1.

The controversy pertains to the non-deposit of compensation amount awarded for the land, which the Petitioner-National Highways Authority of India (NHAI) had acquired and taken possession way back in the year 2016.

It appears that, being aggrieved by the Arbitral Award passed by the Ld. Arbitrator cum Commissioner, the NHAI has filed petitions under Section 34 of the Arbitration and Conciliation Act, 1996, which are still pending without any interim stay.

Meanwhile, the land owners have filed Execution Petitions but no amount has been deposited with the Executing Court. It is in these circumstances, that the High Court has intervened vide its impugned Order dated 28.04.2022, directing the NHAI to deposit the amount as per the Arbitrator’s Award before the Executing Court on or before 30.06.2022.

Having heard learned counsel for the parties, we deem it appropriate to dispose of the present proceedings 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.*



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 landowners subject to the rights and remedies available, to the parties in law.

With these observations and directions, the Special Leave Petition is disposed of.

The impugned order passed by the High Court of Bombay dated 28.04.2022 stands modified in above terms.

Pending application(s), if any, shall stand disposed of”.

(ii) *National Highways Authority of India Versus Sheetal Jaidev Vade and others, Civil Appeal No.5256 of 2022.*

“1. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 01.04.2022 passed by the High Court of Judicature of Bombay at Aurangabad in Writ Petition No.144 of 2021 by which in a writ petition filed by the respondents herein - original land owners, in exercise of powers under Article [226](#) of the Constitution of India, the High Court has directed the appellant - NHAI to deposit the entire compensation amount as awarded by the learned Arbitrator and thereafter permitting the original land owners - original writ petitioners to withdraw the amount as mentioned in paragraph 4, the NHAI has preferred the present appeal.

2. That the land of the respondents herein - original land owners - original writ petitioners came to be acquired by the NHAI under the provisions of the NHAI Act. That the amount of compensation came to be enhanced by the learned Arbitrator. The award passed by the learned Arbitrator has been challenged by the NHAI by availing the statutory remedy under section [34](#) of the Arbitration Act to the extent of the enhanced amount. That as there was no stay of the award passed by the



learned Arbitrator in a proceedings under section [34](#) of the Arbitration Act, the respondent herein - original land owners instead of filing the execution petition to execute the award declared by the learned Arbitrator enhancing the amount of compensation, filed the writ petition before the High Court and prayed for a Writ of Mandamus and/or appropriate directions/orders directing the NHAI to deposit the amount with the Competent Authority, Land Acquisition and Sub-Divisional Officer in pursuance of the award dated 12.06.2018. By the impugned judgment and order the High Court has disposed of the said writ petition by directing the appellant - NHAI to deposit the entire amount along with interest with the Land Acquisition Authority and thereafter has directed the original writ petitioners - land owners to withdraw 50% of the amount along with interest on filing an affidavit of undertaking that if in the litigation journey, an adverse order is passed against them and they are found to have withdrawn excess amount, the said amount would be re-deposited with the authority. So far as the remaining 50% of the amount with interest is concerned, the High Court has permitted the original writ petitioners - original land owners to withdraw 25% of the amount by tendering a solvent surety and the remaining 25% of the amount to be deposited with the competent authority with a liberty to invest the said amount in a fixed deposit account in any Nationalized Bank. Feeling aggrieved and dissatisfied with the impugned order passed by the High Court, the NHAI has preferred the present appeal.

3. Ms. Aishwarya Bhati, learned ASG appearing on behalf of the appellant - NHAI has vehemently submitted that the Hon'ble High Court has seriously erred in passing the impugned order in exercise of powers under Article [226](#) of the Constitution of India.

3.1 It is further submitted by Ms. Bhati, learned ASG that as the award passed by the learned Arbitrator was executable before



the concerned Executing Court and therefore when the original writ petitioners had a statutory remedy available to execute the award by initiating the execution proceedings before the concerned Executing Court, the High Court ought not to have entertained the writ petitions under Article [226](#) of the Constitution of India to execute the award passed by the learned Arbitrator.

3.2 It is further submitted by Ms. Bhati, learned ASG that even otherwise the Hon'ble High Court has committed a serious error in permitting the writ petitioners - original land owners to withdraw 75% of the amount of compensation with interest, when the appellant had already availed the statutory remedy available to the NHAI to challenge the award passed by the learned Arbitrator, by way of appeal/application under section [34](#) of the Arbitration Act.

*3.3 Ms. Bhati, learned ASG has placed reliance on the order passed by this Court in **Special Leave to Appeal No.12409 of 2022 passed in the case of The Project Director, National Highways Authority of India v. Saraswatibai Chandrakant Shinde & Ors.** by which, on the similar set of facts and circumstances this Court has directed the NHAI to deposit 50% of the compensation amount, as awarded by the Arbitral Tribunal with the Executing Court and has permitted the original land owners to withdraw the same unconditionally, and the balance amount of compensation as per the award to be passed under section [34](#) of the Arbitration Act to be deposited by the NHAI with the Executing Court within four weeks after such determination.*

4. Present appeal is vehemently opposed by Mr. Shirish K. Deshpande, learned Advocate appearing on behalf of the private respondents herein - original writ petitioners - original land owners.

4.1 It is submitted that in the facts and circumstances of the case more particularly considering the fact that there is no stay of



the award passed by the learned Arbitral Tribunal/Court in a proceeding under section [34](#) of the Arbitration Act and that NHAI took possession of the land without paying any compensation, the Hon'ble High Court has not committed any error in passing the impugned order. However, learned Counsel appearing on behalf of the private respondents herein - original land owners - original writ petitioners, is not in a position to dispute and is not disputing that the award passed by the learned Arbitral Tribunal/Court is executable by way of an execution proceeding before the concerned Executing Court.

5. We have heard the learned counsel for the respective parties at length.

6. At the outset, it is required to be noted that the private respondents herein - original writ petitioners filed the writ petition before the High Court and prayed for the following reliefs in exercise of powers under Article [226](#) of the Constitution of India:

"(a) This Writ Petition may kindly be allowed.

(b) That, by way of writ of mandamus of the direction like in nature the respondents No.1 and 2 may kindly be directed to deposit the amount with respondent No.3 in pursuance of the award dated 12.06.2018 vide No.2016/LA/NH-351/ CR-01 passed by the respondent No.3 forthwith.

(c) That, by way of writ of mandamus of the directions like in nature the respondent No.3 may kindly be directed to make the payment to petitioners forthwith after the respondents No.1 and 2 deposit the amount."

6.1 Therefore, reliefs which have been sought by the private respondents herein - original writ petitioners were in the nature of execution of the award passed by the learned Arbitral Tribunal/Court.

6.2 Apart from the fact that the award dated 12.06.2018 has been challenged by the NHAI by initiating proceedings under



section [34](#) of the Arbitration Act which are reported to be pending, the High Court ought not to have entertained the writ petition under Article [226](#) of the Constitution of India seeking the reliefs to execute the award passed by the learned Arbitral Tribunal/Court, when the award passed by the learned Arbitral Tribunal/Court is to be executed by initiating an execution proceeding before the concerned Executing Court. But, by passing the impugned order/directions the High Court has virtually converted itself into Executing Court. Therefore, once the original writ petitioner was having an efficacious, alternative remedy to execute the award passed by the learned Arbitral Tribunal/Court, by initiating an appropriate execution proceeding before the competent Executing Court, the High Court ought to have relegated the original writ petitioners to avail the said remedy instead of entertaining the writ petition under Article [226](#) of the Constitution of India which was filed to execute the award passed by the Arbitral Tribunal/Court. If the High Courts convert itself to the Executing Court and entertain the writ petitions under Article [226](#) of the Constitution of India to execute the award passed by the Arbitral Tribunal/Court, the High Courts would be flooded with the writ petitions to execute awards passed by the learned Arbitrator/Arbitral Tribunal/Arbitral Court.

7. We disapprove the entertaining of such writ petitions under Article [226](#) of the Constitution of India to execute the award passed by the learned Arbitral Tribunal/Court, without relegating the judgment creditor in whose favour the award is passed to file an execution proceeding before the competent Executing Court.

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.

With these observations and directions, the Appeal is disposed of.

The impugned order passed by the High Court of Bombay dated 01.04.2022 stands modified in above terms.

Pending application(s), if any, shall stand disposed of”

19. Considering the aforesaid orders passed by Hon’ble Supreme Court and the submissions made by the learned counsels for the parties, this Court is of the considered view that it is necessary to balance equities and adopt a holistic approach with regard to the entire issue involved. On the one hand, it is the contention of the learned counsels for the petitioners-NHAI that once a stay order is granted by the Court, then considering the award to be a money decree and even after applying the analogy of Order XLI Rule



5 of CPC, the entire amount to the extent of 100% is to be deposited before the learned Executing Court and once all the conditions which are necessary stand satisfied and the amount itself gets secured, then the land losers do not have any right to seek 50% disbursement of the aforesaid amount but in any case the NHAI has no objection in case the aforesaid 50% amount is released against a bank guarantee and therefore, the insistence of the land losers for release of 50% of the amount by furnishing adequate security/indemnity bond is unfounded. On the other hand, it was the stand taken by the land losers that once their land has been taken away by the State compulsorily, although they have received the entire amount of award passed by the CALA but with regard to the enhanced amount pertaining to the award passed by the learned Arbitrator under Section 3G(5) of 1956 Act, no money has been given to them which has caused prejudice to them and in case 50% of the amount is paid to them against a bank guarantee, then it is not only harsh but practically not possible to get the aforesaid amount because the conditions of bank guarantee are very harsh and they are not in a capacity to furnish bank guarantee.

20. There is no doubt that the objections under Section 34 of the Act are pending before the concerned Courts of learned Additional District Judges for about 1 to 3 years and to some extent there is a delay and there is also no doubt that the landlosers whose land was compulsorily acquired, although they have been paid the award amount granted by CALA but have not been paid the enhanced amount which was passed by the learned Arbitrator under Section 3G(5) of 1956 Act but at the same time, when the Court decides an application under Section 36(2) of the Act, then the award which is deemed to be a money decree has to be secured. It has been



undertaken by all the learned counsels for the NHAI that in most of the cases, 100% amount has already been deposited either before the learned Executing Court or before the CALA and in those cases where the same has not been deposited, they have undertaken that the same will be deposited within a period of three weeks from today.

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.

04.09.2025

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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