

[2019] 12 S.C.R. 78

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UNION OF INDIA & ANR.

v.

BALWANT SINGH & ORS.

(Civil Appeal Nos. 6981-6982 of 2019)

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SEPTEMBER 03, 2019

[R. F. NARIMAN AND SURYA KANT, JJ.]

- National Highway Act, 1956 – s.3G(5) – Land Acquisition Act, 1894 – s.25 – Union of India contended that the impugned Judgment suffered from an error – It was contended that in the C impugned judgment, the case of Madishetti Bala Ramul (D) through LR v. The Land Acquisition Officer was followed, which applied only to the Land Acquisition Act and cannot be made applicable to the National Highways Act – Held: Union of India is right – Under the Land Acquisition Act an award that is made by the Land Acquisition is in the nature of an offer on behalf of the government D and hence cannot be challenged by the government – Whereas, the scheme of the National Highways Act as disclosed by s.3G(5) is that the amount determined by the competent authority under the said Act may, on application of either of the parties, if it is not so acceptable, be then determined by the Arbitrator to be appointed by the central government – Thus, matters remanded to be decided E u/s.37 of the Arbitration and Conciliation Act by the High Court – In the aforesaid terms, the appeals are allowed.*

Madishetti Bala Ramul (D) through LR v. The Land Acquisition Officer [2007] 3 RCR (Civil) 455 – referred to.

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Case Law Reference

[2007] 3 RCR (Civil) 455 referred to Para 2

CIVIL APPELLATE JURISDICTION: Civil Appeal Nos. 6981-6982 of 2019

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With

Civil Appeal Nos. 6983-6984 of 2019.

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From the Judgment and Order dated 03.02.2016 of the High Court of High Court of Punjab and Haryana at Chandigarh in FAO No. 10168 of 2014 and order dated 09.11.2016 in RA-CR N o. 234-CII of 2016 (O&M).

Mukul Rohatgi, Narender Hooda, Amit Sibal, Neeraj Kumar Jain, Sr. Advs., Alok Sangwan, Devashish Bharuka, Raghujeet S. Madan, Damanjit Singh Monga, Ms. Ankur Berry, Sunny Kadiyan, Yashveer Singh Balhara, Ravi Bharuka, Mayank Sharma, Rajendra Beniwal, Shashi Pal Laler, R. S. Manhas, Sonit Sinhmar, Ravi Panwar, P. N. Puri, Ms. Reeta Dewan Puri, Abhishek Puri, Paramjit Rajput, Harish Mahajan, Tripurari Ray, Balwant Singh Billowria, Parveen Kumar, Vijay Pratap Singh, Vivekanand Singh, Anirudh Ray, Ms. Shilpa Singh, Gaurav Agrawal, Yashraj Singh Deora, Shyam Agarwal, Vinay Tripathi, Aishvary Vikram, Ms. Sonal Mashankar, Surinder Singh, Satbir Singh Rathore, Arvind Gupta, Manoj Pundir, Navneet Singh, Advs. for the appearing parties.

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The Judgment of the Court was delivered by

R. F. NARIMAN, J.

1. Leave granted.

2. Mr. Mukul Rohatgi, learned Senior Advocate appearing for the Union of India, submits that the impugned judgment passed in these two cases suffers from an obvious error in that the judgment of this Court in the case of Madishetti Bala Ramul (D) through LRs vs. The Land Acquisition Officer, 2007 (3) RCR (Civil) 455 was followed, which judgment applied only to the Land Acquisition Act and which cannot be made applicable to the National Highways Act for the reason that Section 3G (5) contains a scheme entirely different from and at variance from the scheme contained in the Land Acquisition Act.

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3. Mr. Gaurav Agrawal, learned counsel and Mr. Neeraj Kumar Jain, learned senior counsel appearing for the respondents were not able to seriously controvert this position. Even though there is a considerable delay in these matters, we find that it has been condoned by this Court. M/s Gaurav Agrawal and Neeraj Kumar Jain also point out that a review petition was filed which was limited only to two types of land and the point which Mr. Rohatgi has argued before us was not urged in the said review petition.

4. Having heard learned counsel for both sides, we are of the view that the arguments based on the review petition need not detain us further as a Special Leave Petition has been filed against the judgment dated 03.02.2016 in which this point has been taken. Also, Mr. Rohatgi

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- A is right in pointing out that under the Land Acquisition Act an award that is made by the Land Acquisition Officer is in the nature of an offer on behalf of the government and hence cannot be challenged by the government - See Section 25 of the Act. The scheme of the National Highways Act, on the other hand, as disclosed by Section 3G (5) is that the amount determined by the competent authority under the said Act may, on application of either of the parties, if it is not so acceptable, be then determined by the Arbitrator to be appointed by the central government.

- 5. In this view of the matter, it is obvious that the impugned judgments in these two matters are incorrect and are therefore set aside.
- C We remand these cases to be decided under the Section 37 jurisdiction under the Arbitration Act by the Punjab & Haryana High Court. The appeals are allowed in the aforesaid terms.
- 6. We are informed that there are a large number of cases dependent on this judgment. The Learned Chief Justice of the Punjab & Haryana High Court is requested to constitute an appropriate bench to hear these matters at the earliest.

Ankit Gyan

Appeals allowed.