

Arb no.49 of 2021

CNR no. PB PT 01 001828-2021

Union of India vs. Kamaljit Singh

Application under Section 151 CPC read with Order 1 Rule 10 CPC for substituting the Project Director, Urban Estate, Patiala, NHAI as petitioner and for deleting petitioner Executive Engineer, National Highway Division (CWD), B&R Sangrur at Patiala

AND

Application under Order 1 Rule 10 CPC filed by National Highway Authority of India for impleading it as petitioner no.2

Present: Sh.Vishavdeep Gupta, Advocate, counsel for applicant
Sh.J.R.Mehta, Advocate, counsel for respondent no.1
Sh.K.S.Kang, Advocate, counsel for NHAI
impleaded as petitioner no.2
Service of respondent no.3 dispensed with

ORDER

1. Heard on the application under Section 151 CPC read with Order 1 Rule 10 CPC filed on behalf petitioner for substituting the Project Director, Urban Estate, Patiala, NHAI as petitioner and for deleting petitioner i.e. Executive Engineer, National Highway Division (CWD), B&R Sangrur at Patiala and the other application under Order 1 Rule 10 CPC filed by National Highway Authority of India for impleading it as petitioner.

2. Learned counsel for respondent no.1 filed replies to the application praying for their dismissal.

3. It is argued by learned counsel for applicant that the land in

question was earlier acquired by PWD (B&R) and the said department had been contesting the land acquisition proceedings before the Competent Authority, learned Arbitrator as well as before this Court, as a petitioner through Executive Engineer, Central Works Division, PWD, B&R, Sangrur at Patiala. However, in the meantime the entire project was transferred to National Highways Authority of India through its Project Director, office situated at #4006, Urban Estate, Phase-II, Patiala vide Notification of the Ministry of Road Transport and Highways, New Delhi dated 6.8.2020. As per Section 12 of National Highways Authority of India the assets and liabilities of the Central Government have also been transferred to NHAI. The relevant record/ files of said cases have already been transferred from the office of Executive Engineer to the office of NHAI, Patiala. Hence, a prayer is made to substitute NHAI as petitioner and to delete the present petitioner.

4. Further it is argued on behalf of NHAI that since the project has been transferred to it, therefore, it be impleaded as applicant-petitioner.

5. It is an admitted fact that vide Notification of the Ministry of Road Transport and Highways, New Delhi dated 6.8.2020, National Highway 64 (New NH-7), Zirakpur-Patiala Section in the State of Punjab having stretch in km 0.000 to km 50.000, has been entrusted to National Highways Authority of India. It is also an admitted fact that at the time of filing of petitions, project was with Union of India, Ministry of Shipping Road Transport and Highways, New Delhi through Executive Engineer

Central Works Division PWD (B&R), Patiala. The award in question is dated 11.12.2020 and at that time also the project was with Union of India, Ministry of Road Transport and Highways, New Delhi through Executive Engineer Central Works Division PWD (B&R), Sangrur at Patiala. However, later on project has been transferred to National Highways Authority of India. It also reveals from the objection petition filed by objector that it has not made National Highways Authority of India as party, but since now National Highways Authority of India vide abovesaid Notification dated 6.8.2020 has been entrusted with the project of NH-64 I.e.Zirakpur-Patiala Section in the State of Punjab having stretch in km 0.000 to km 50.000 as aforesaid, it has stepped into the shoes of objector i.e. Union of India, Ministry of Road Transport and Highways, New Delhi through Executive Engineer Central Works Division PWD (B&R), Sangrur at Patiala, from whom the project has been transferred and said objector has left with no interest in the project. Therefore, National Highways Authority of India is required to be impleaded as petitioner as per Notification dated 6.8.2020, being a necessary party, alongwith present objector to whom earlier the project was entrusted.

6. So, keeping in view the above discussion, the application is allowed and National Highways Authority of India is impleaded as petitioner no.2.

7. As far as plea of present petitioner to delete its name is concerned, it is necessary to mention here that the said petitioner was

incharge of the project when the land was acquired in the present case and it has also contested the arbitration proceedings before the Arbitrator. Therefore, the name of said petitioner cannot be deleted. The application of present petitioner is accordingly dismissed. Now, to come up on 2.2.2023 for filing amended title and arguments. Record of Arbitrator be also requisitioned for the said date.

Date of order 17.12.2022
Ravinder Kaur

(Surinder Pal Kaur)
Addl. District Judge,
Patiala UID No.PB0089