

CIS No.495/ 2021

CNR no. PB PT 01 005722-2020

UOI VS. LAJWANTI

Application under Section 151 CPC read with Order 1 Rule 10 CPC for substituting the Project Director, Urban Estate, Patiala, National Highways Authority of India as petitioner-objector for and for deleting the Executive Engineer, National Highway Division (CWD), B&R, Patiala

AND

Application under Order 1 Rule 10 read with Order 23 Rule 1 (A) alongwith 151 CPC filed by National Highway Authority of India

Present: Sh.Vishavdeep Gupta, Advocate, counsel for petitioner
Sh.H.K. Singla, Advocate, counsel for respondents no.1
Sh.Sandeep Sharma, advocate for NHA
Service of Respondent no.3 dispensed with

ORDER

1. Heard on the application under Section 151 CPC read with Order Rule 10 CPC for substituting the Project Director, Urban Estate, Patiala, National Highways Authority of India as petitioner-objector for and for deleting the Executive Engineer, National Highway Division (CWD), B&R, Patiala and the other application under Order 1 Rule 10 CPC filed by National Highway Authority of India to transpose it as petitioner.

2. Learned counsel for petitioner has filed replies to the applications praying for its dismissal.

3. It is argued by learned counsel for applicant that earlier Executive Engineer, National Highway Division (CWD), B&R, Patiala was project in charge on behalf of Union of India i.e. scheme/stretch of National Highway-64. Now, as per gazette notification dated 6.8.2020 of the Central Government the project has been entrusted to National Highways Authority of India through its Project Director, office situated

at #4006, Urban Estate, Phase-II, Patiala. As per Section 12 of National Highway Authority of India, 1988 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 the Project Director, NHAI as objector and for deleting the present objector i.e. Executive Engineer.

4. Further it is argued on behalf of learned counsel for NHAI that since the project has been transferred to it, therefore, it be transposed as petitioner.

5. I have considered the respective contentions. 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 & 50.00 km-216.350 km (Patiala-Sangrur- Barnala-Bathinda Section), 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 (MORTH), through Executive Engineer, Central Works Division, Sangrur at Patiala, PWD (B&R). The award in question is dated 23.02.2021 and at that time also the project was with Union of India through Ministry of Road Transport and Highways, New Delhi. However, later on project has been transferred to National Highways Authority of India. Vide office order dated 6.7.2021 of National Highways Authority of India project of National Highway 64 (New NH-7), Zirakpur-Patiala Section in the State of Punjab having stretch in km

0.000 to km 50.000 & 50.00 km-216.350 km (Patiala-Sangrur- Barnala-Bathinda Section), have been transferred from PIU, Chandigarh to PIU, Patiala. It also reveals from the objection petition filed by objector that it has already made made National Highways Authority of India as proforma respondent, but since now National Highways Authority of India vide abovesaid Notification dated 6.8.2020 has been entrusted with the project of NH-52 it has stepped into the shoes of objector i.e. Union of India (MORTH), through Executive Engineer, Central Works Division, Sangrur at Patiala, PWD (B&R) 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 transposed as petitioner being necessary party, alongwith present objector to whom the project was transferred.

6. So, keeping in view the above discussion, the application of NHAI is allowed and it is transposed as petitioner. 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 present objector cannot be deleted.

7. So, keeping in view the above discussion, the applications are disposed of and NHAI is ordered to be transposed as petitioner no.3. Amended title be filed.

Date of order 13.04.2023
Braham Kumar-Stenographer-I

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

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CNR no. PB PT 01 005722-2020

UOI vs. Lajwanti

Present: Sh.Vishavdeep Gupta, Advocate, counsel for petitioner
Sh.H.K. Singla, Advocate, counsel for respondents no.1
Sh.Sandeep Sharma, advocate for NHAI
Service of Respondent no.3 dispensed with

Heard on the application under Section 151 CPC read with Order 1 Rule 10 CPC for substituting the Project Director, Urban Estate, Patiala, National Highways Authority of India as petitioner-objector for and for deleting the Executive Engineer, National Highway Division (CWD), B&R, Patiala and the other application under Order 1 Rule 10 CPC read with Order 23 Rule 1 (A) alongwith 151 CPC filed by National Highway Authority of India to transpose it as petitioner.

Vide separate order of even date the applications have been allowed and the prayer for transposition of NHAI has been allowed as detailed therein. Now, to come up on 11.07.2023 for filing amended title and for arguments.

Date of order 13.04.2023
Braham Kumar-Stenographer-I

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