

IN THE COURT OF DR. KAVITA KAMBOJ, ADDITIONAL
DISTRICT JUDGE, KURUKSHETRA. UID NO.HR0249.

(I)

Arbitration No.	46 of 2019.
CNR No.	HRKU01-002687-2019.
Date of Institution	11.02.2019.
Date of Decision	06.08.2026.

Balwinder Singh, aged about 63 years, son of Sh. Avtar Singh, resident of Village Gangheri, P.O. Jalbera, Tehsil Pehowa, District Kurukshetra.
....Petitioner/applicant.

Versus

1. Union of India through its Secretary, Shipping and Road Transport (Surface), New Delhi.
2. National Highway Authority of India, through its Project Director, NHAI (PIU), 17-L, Model Town, Ambala City.
3. District Revenue Officer-cum-Competent Authority, LAO (Appointed by the Government of India), at Kurukshetra.
4. Deputy Commissioner-cum-Collector, Kurukshetra.
5. Additional Deputy Commissioner-cum-Arbitrator, Kurukshetra (to produce the original file of order dated 03.12.2018 against Award No.9 of Village Gangheri, Tehsil Pehowa).

....Respondents.

Present: Shri J.R. Saini, Counsel for applicant/petitioner.
Shri J.S. Rathore, Counsel for respondents No.1 and 2.
Ms. Bhawna Choudhary, G.P. for respondents No.3 to 5.

(II)

Arbitration No.	14 of 2019.
CNR No.	HRKU01-002347-2019.
Date of Institution	24.01.2019.
Date of Decision	06.08.2026.

Haryana Wakf Board, Ambala Cantt. Through its Estate Officer at

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -2- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. Haryana Wakf Board Vs. Union of India etc.
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc.Vs. Union of India etc. Sarup Singh Vs. Union of India etc.
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.

Kurukshetra.

....Petitioner/applicant.

Versus

1. Union of India through its Secretary, Shipping and Road Transport (Surface), New Delhi.
2. National Highway Authority of India, through its Project Director, NHAI (PIU), 17-L, Model Town, Ambala City.
3. District Revenue Officer-cum-Competent Authority, LAO (Appointed by the Government of India), at Kurukshetra.
4. Deputy Commissioner-cum-Collector, Kurukshetra.

....Respondents.

Present: Ms. Meenakshi Sharma, Counsel for applicant/petitioner.
Shri J.S. Rathore, Counsel for respondent No.1.
Ms. Bhawna Choudhary, G.P. for respondents No.3 & 4.
Respondent No.2 exparte vide order dated 01.04.2019.

(III)

Arbitration No.	59 of 2019.
CNR No.	HRKU01-003006-2019.
Date of Institution	26.02.2019.
Date of Decision	06.08.2026.

1. Ramesh Chand, aged about 54 years.
2. Naib Singh, aged 53 years.
3. Hukam Chand sons of Sh. Dal Singh son of Sh. Hari Kishan son of Asha Singh, all residents of Village Gangheri, Tehsil Pehowa, District Kurukshetra.

....Petitioners/applicants.

Versus

1. Union of India through its Secretary, Shipping and Road Transport

(Dr. Kavita Kamboj)
Additional District Judge,
Kurukshetra. 06.08.2026.

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -3- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. Haryana Wakf Board Vs. Union of India etc.
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc.Vs. Union of India etc. Sarup Singh Vs. Union of India etc.
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.

(Surface), New Delhi.

- 2. Land Acquisition Collector, National Highway, Mini Secretariat, Kurukshetra.
- 3. National Highway Authority, through its Secretary, New Delhi.
- 4. Deputy Commissioner-cum-Collector, Kurukshetra.

....Respondents.

Present: Shri Rahul Saini, Counsel for applicant/petitioner.
Shri J.S. Rathore, Counsel for respondents No.1 and 3.
Ms. Bhawna Choudhary, G.P. for respondents No.2 & 4.

(IV)

Arbitration No.	89 of 2019.
CNR No.	HRKU01-003190-2019.
Date of Institution	06.03.2019.
Date of Decision	06.08.2026.

Sarup Singh son of Shri Hari Kishan son of Shri Asha Singh, resident of Village Gangheri, Tehsil Pehowa, District Kurukshetra.

....Petitioner/applicant.

Versus

- 1. Union of India through its Secretary, Shipping and Road Transport (Surface), New Delhi.
- 2. National Highway Authority of India, through its Project Director, NHAI (PIU), 17-L, Model Town, Ambala City.
- 3. State of Haryana through Deputy Commissioner-cum-Collector, Kurukshetra.
- 4. District Revenue Officer-cum-Competent Authority, LAO (Appointed by the Government of India), at Kurukshetra.
- 5. Additional Deputy Commissioner-cum-Arbitrator, Kurukshetra,

(Dr. Kavita Kamboj)
Additional District Judge,
Kurukshetra. 06.08.2026.

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -4- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. Haryana Wakf Board Vs. Union of India etc.
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc.Vs. Union of India etc. Sarup Singh Vs. Union of India etc.
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.

appointed U/s 3G(5) of National Highway Act, 1956, Kurukshetra.
....Respondents.

Present: Shri Akhil Bhasin, Counsel for applicant/petitioner.
Shri J.S. Rathore, Counsel for respondents No.1 and 2.
Ms. Bhawna Choudhary, G.P. for respondents No.3 to 5.

(V)

Arbitration No.	90 of 2019.
CNR No.	HRKU01-003276-2019.
Date of Institution	08.03.2019.
Date of Decision	06.08.2026.

Ishar Singh son of Hari Kishan son of Asha Singh, resident of Village Gangheri, Tehsil Pehowa, District Kurukshetra (since deceased) through L.Rs:

1. Lajja Ram (aged about 70 years).
2. Joginder Singh (aged about 64 years).
3. Bhupinder Singh (aged about 63 years) all son of Ishar Singh, resident of Village Gaggheri, Tehsil Pehowa, District Kurukshetra.
....Petitioners/applicants.

Versus

1. Union of India through its Secretary, Govt. of India, New Delhi (ministry of road and Transportation), New Delhi.
2. Land Acquisition Collector, National Highway, Mini Secretariat, Kurukshetra.
3. National Highway Authority, through its Secretary, New Delhi.
4. Deputy Commissioner-cum-Collector, Kurukshetra.
....Respondents.

Present: Shri Rahul Saini, Counsel for applicant/petitioner.

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -5- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. Haryana Wakf Board Vs. Union of India etc.
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc.Vs. Union of India etc. Sarup Singh Vs. Union of India etc.
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.

Shri J.S. Rathore, Counsel for respondents No.1 and 2.
Ms. Bhawna Choudhary, G.P. for respondents No.3 & 4.

(VI)

Arbitration No.	92 of 2019.
CNR No.	HRKU01-003305-2019.
Date of Institution	11.03.2019.
Date of Decision	06.08.2026.

1. Mulkh Raj (aged about 45 years)
2. Isham Singh (aged about 43 years).
3. Moti Lal (aged about 35 years) Sons of Manohar Lal.
4. Usha Devi (aged about 38 years) daughter of Manohar Lal.
5. Parkasho Devi (aged about 64 years) wife of Manohar Lal, son of Hari Kishan, all residents of Village Gangheri, Tehsil Pehowa, District Kurukshetra.

....Petitioners/applicants.

Versus

1. Union of India through its Secretary, Govt. of India, New Delhi (Ministry of Road and Transportation), New Delhi.
2. Land Acquisition Collector, National Highway, Mini Secretariat, Kurukshetra.
3. National Highway Authority, through its Secretary, New Delhi.
4. Deputy Commissioner-cum-Collector, Kurukshetra.

....Respondents.

Present: Shri Rahul Saini, Counsel for applicant/petitioner.
Shri J.S. Rathore, Counsel for respondents No.1 and 3.
Ms. Bhawna Choudhary, G.P. for respondents No.2 & 4.

*CNR No.HRKU01-002687-2019. Arb No.46 of 19. -6- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. Haryana Wakf Board Vs. Union of India etc.
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc.Vs. Union of India etc. Sarup Singh Vs. Union of India etc.
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.*

Petitions under Section 34 of The Arbitration and Conciliation Act, 1996 for setting aside the Award dated 03.12.2018.

JUDGMENT:

By way of this common judgment, this court shall dispose of **Six** petitions i.e. **ARB No.46 of 2019** titled as “Balwinder Singh Vs. union of India etc.”, filed by Balwinder Singh, 2nd **ARB No.14 of 2019** titled as “Haryana Wakh Board Vs. Union of India etc.”, filed by Haryana Wakh Board, 3rd **ARB No.59 of 2019** titled as “Ramesh Chand etc. Vs. Union of India etc.”, filed by Ramesh Chand etc., 4th **ARB No.89 of 2019** titled as “Sarup Singh Vs. Union of India etc.”, filed by Sarup Singh, 5th **ARB No.90 of 2019** titled as “Ishar Singh Vs. Union of India etc.”, filed by L.Rs. of Ishar Singh and 6th **ARB No.92 of 2019** titled as “Mulakh Raj Vs. Union of India etc.”, filed by Mulakh Ram etc. (hereinafter referred to as applicants/petitioners) against the award dated 03.12.2018 passed by Shri Anish Yadav, IAS, ADC, Kurukshetra-cum-Arbitrator appointed under Section 3G (5) of National Highway Act, 1956, vide which all the 22 petitions filed by the different petitioners were dismissed. Vide present judgment, only 6 petitions (supra) shall seek disposal.

2. The notices of the aforesaid petitions were issued to respective respondents of the petitions and respondents appeared through their respective learned counsel and learned Government Pleader. Trial

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -7- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
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CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
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court record has also been requisitioned.

FACTS OF PETITIONS:

3. Filtering down the dispensable details, the factual matrix sine qua non for the disposal of present arbitration is as under.

4. The petitioners filed the petitions before the Arbitrator for enhancement of compensation awarded by DRO alongwith consequential benefits and interest from the due date till payment.

5. Briefly, it is the petitioners case that they are owners in possession of the land as mentioned in their petitions. The land of the petitioners have been acquired for Building (widening, four laning, etc.) maintenance management and operation of National Highway-65. The respondents published notification under section 3(A) and 3(D) of the N.H. Act and the petitioners appeared before DRO and claimed that the market value of their acquired land is not less than 2-5 Crore but the DRO illegally declined their request and passed the award in question. They have further pleaded that the award passed by the DRO is unfair, baseless and unreasonable because the said land is adjoining the National Highway and both sides of the said highway are running many commercial activities like factories, petrol pump, cold storage, shellers, marriage palace, commercial shops, dhabas/hotels, etc. since long and the said land has very high potential commercial value. They have further pleaded that

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CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
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Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.*

the DRO did not consider these facts in impugned award and given only ₹30 lakh per acre which is less than the market value. Hence, the petitions were filed before learned Arbitrator for enhancement of compensation awarded by DRO, which were dismissed by the learned Arbitrator vide impugned order dated 03.12.2018.

STAND OF RESPONDENTS:

6. On being notated, the respondents appeared. DRO has filed written submissions that the written statements submitted by the National Highway may be considered on their behalf as well as on behalf of Collector, Kurukshetra also. The National Highway Authority of India (for short NHAI) filed the written statements on his behalf as well as on behalf of Union of India wherein preliminary objections/petitions regarding maintainability and estoppel were taken. On merits, it was submitted by the NHAI that the award has been passed by the DRO after considering all the facts in accordance with the provision of section 3G (7) of the Act. The land which has been acquired for widening the road in village Gangheri, the value of such acquired land is not more than the award announced by the DRO, Kurukshetra. It is further submitted that without prior permission of the Government, the landlord cannot change its nature of use. The petitioners failed to raise any objection and representation before the competent authority at the time of acquisition of

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CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
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Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.*

land. Rest of the contents of the petitions were denied and a prayer was made for dismissal of the petitions.

REPLICATION OF PETITIONERS:

7. Replications controverting the pleas taken by the respondents in their written statements and reiterating the pleas taken in the petitions, were filed. The petitioners reasserted their claim and prayed that petitions be allowed in their favour.

ISSUES FRAMED BY LEARNED ARBITRATOR:

8. After considering the facts that all the 22 cases have been filed against Award No.9 dated 23.12.2014 of village Gangheri and law points involved in all cases are same, the learned Arbitrator vide order dated 08.01.2018 consolidated all the cases in main case No.542 titled as 'Balwinder Vs. Union of India etc.' Based upon the pleadings of the parties, following issues were framed by the learned Arbitrator:

1. Whether the petitioners are entitled for any enhancement of compensation? OPP
2. Whether the claim petitions are not maintainable and time barred? OPR
3. Relief.

9. Both the parties led their respective oral and documentary evidence as per their pleadings.

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -16- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. Haryana Wakf Board Vs. Union of India etc.
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
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CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.

EVIDENCE TENDERED BY PARTIES:

10. In order to prove their case, petitioners examined following witnesses:

Table No.1	
Witness No.	Name of witnesses.
PW1	Balwinder Singh
PW2	Daljit Singh
PW3	Surjit Singh.
PW4	Hisham Singh..
PW5	Deen Mohammad.
PW6	Naib Singh.
PW7	Sarup Singh.
PW8	Sahab Singh.
PW9	Sukhvinder Singh.
PW10	Balwinder Singh.
PW11	Jogga Singh.
PW12	Preetpal Singh.
PW13	Lakhvinder Singh
PW14	Balwinder Kaur
PW15	Jogga Singh.
PW16	Savinder.
PW17	Raja
PW18	Ramesh Chand.
PW19	Lajja Ram.
PW20	Parminder Kaur.
PW21	Sinder Kaur

11. Besides oral evidence, petitioner placed reliance upon document as indicated in ‘Table No.2’:

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -11- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc.
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
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CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
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Table No.2

Ex.P1	Award No.9.
Ex.P2	Award No.9.
Ex.P3	Jamabandi for the year 2012-13.
Ex.P4	Copy of statement of account.
Ex.P5	Award No.11 Patti District Ambala.
Ex.P6	Award No.16 Matheri Shekhan, District Ambala.
Ex.P7	Award No.1 Patti Jattan District Ambala.
Ex.P8	Mutation No.1178.
Ex.P9	Jamabandi for the year 2012-13.
Ex.P10	Jamabandi for the year 2012-13.
Ex.P11	Aks-sijra.
Ex.P12	Jamabandi for the year 2012-13.
Ex.P13	Jamabandi for the year 2013-14.
Ex.P14	Jamabandi for the year 2012-13.
Ex.P15	Jamabandi for the year 2012-13.
Ex.P16	Copy of Award No.9 dated 23.12.2014 of Village Gangheri.
Ex.P17	Jamabandi for the year 2012-13.
Ex.P18	Aks-sijra.
Ex.P19	Copy of Award No.9 dated 23.12.2014 of Village Gangheri.
Ex.P20	Jamabandi for the year 2012-13.
Ex.P21	Aks-sijra.
Ex.P22	Copy of Award No.9 dated 23.12.2014 of Village Gangheri.
Ex.P23	Jamabandi for the year 2012-13.
Ex.P24	Aks-sijra.
Ex.P25	Copy of Award No.9 dated 23.12.2014 of Village Gangheri.
Ex.P26	Jamabandi for the year 2012-13.
Ex.P27	Aks-sijra.
Ex.P32	Sale deed No.1454 dated 18.07.2016 of Village Gangheri, residential (120 sq. yrd.) ₹2,28,000/-.
Ex.P33	Sale deed No.2184 dated 02.11.2016 of Village Gangheri, residential (300 sq. yrd.).

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -12- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. Haryana Wakf Board Vs. Union of India etc.
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
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Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.

Ex.P34	Jamabandi.
Ex.P35	Mutation/Intqal.
Ex.P36	Award No.9.
Ex.P37	Jamabandi.
Ex.P38	Aks-sijra.
Ex.P39	Award No.9.
Ex.P40	Jamabandi.
Mark-17/1	Sale deed No.2184 dated 02.11.2016 of Village Gangheri, residential (300 sq. yrd.).
Mark-17/2	Letter DRO to NHAI.
Mark-17/3	Letter NHAI HQ to RO office.
Mark-17/4	Letter NHAI to DRO.
Mark-17/5	Award District Ambala.
Mark-17/6	Letter Kissan to D.C.
Mark-17/7	Letter DRO to NHAI.
Mark-17/8	Letter DRO to NHAI.
Mark-17/9-10	Award District Ambala.
Mark-18/1	Jamabandi.
Mark-18/2	Aks-sijra.
Mark-19/1	Jamabandi.
Mark-19/2	Mutation.
Mark-19/3 to 19/5	Copies of Aadhar card.

Thereafter, the evidence of petitioners was closed by Court order.

12. On the other hand, defendants did not lead any oral evidence. The defendants placed reliance upon documents as indicated in ‘Table No.3’:-

(Dr. Kavita Kamboj)
Additional District Judge,
Kurukshetra. 06.08.2026.

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -13- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
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Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.

Table No.3

Ex.R1	Copy of sale deed No.706 dated 25.05.2011.
Ex.R2	Copy of sale deed No.663 dated 21.05.2014.
Ex.R3 to Ex.R7	Copies of Awards of District Kaithal.
Ex.R8 to Ex.R17	Copies of letter of NHAI.

Thereafter, evidence of the respondents was closed by Court order.

RATIO OF AWARD UNDER CHALLENGE:

13. After hearing arguments and appreciating the entire evidence led by parties, the learned Arbitrator passed the Award. Being dissatisfied with the findings rendered by the learned Arbitrator, the instant arbitration petitions have been preferred by the applicants/petitioners. On being notated, the respondents appeared and contested the petition on merits.

14. I have heard learned counsels for the contesting parties and have gone through the case file carefully

ARGUMENTS OF PETITIONERS:

15. It has been argued jointly by the learned counsel for the petitioners that the present petitions have been filed under Section 34 of The Arbitration and Conciliation Act, 1996 and are liable to be allowed. They pertain to Arbitrator Award dated 03.12.2018 vide which Award No.9 dated 23.12.2014 passed by DRO/L.A.O. has been upheld. In total,

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -14- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
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Ramesh Chand etc. Vs. Union of India etc. *Sarup Singh Vs. Union of India etc.*
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. *Mulakh Raj etc. Vs. Union of India etc.*

22 claims petition were consolidated in petition No.547, which was dismissed on 03.12.2018.

16. Learned counsel firstly submitted the relevant facts of the case and then came up with the grounds to set aside Award passed by Arbitrator on the following grounds:

1. That The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereinafter referred as Act of 2013) is applicable w.e.f. 01.01.2014. The Arbitral Tribunal wrongly constructed the date of its applicability as 01.01.2015. Learned counsel drew the attention of the Court towards Section 24 of the Act, which has been amended w.e.f. 01.01.2014 and not 01.01.2015. The learned counsel argued that when the Act has been amended w.e.f. 01.01.2014, amended Section 25 and Section 30 would be applicable upon them.

- According to Section 25, it was incumbent upon the Collector to make the Award. ADC was not empowered to pass the Award. Hence, the Award in itself is a nullity.
- Under Section 30 of the said Act, the petitioners were entitled to solatium equalant to 100% of the

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CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc.Vs. Union of India etc. Sarup Singh Vs. Union of India etc.
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.

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compensation, which was earlier used to be 30%. Vide
Award under dispute 100% solatium has not been
granted.

2. Further, Award passed by the Collector is liable to be challenged before the Hon'ble High Court and not this Court.
3. Lastly, learned counsel drew the attention of this Court towards the evidence tendered before the Court of Arbitral Tribunal including various awards passed by other Arbitrators pertaining to District Ambala in which 100% solatium has been granted and enhanced compensation was given to the land owners.

17. It is therefore, submitted by counsels that the Award passed by DRO as well as Award dated 03.12.2018 passed by ADC are illegal and based on wrong appreciation of relevant points as the material evidence tendered before the Arbitral Tribunal indicates that the market value of the acquired land at the time of notification was much more as the acquired land having great potential for development as residential, commercial as well as for industrial activities. It was reiterated that the impugned Arbitrator Award dated 03.12.2018 is illegal, null & void, inoperative on various details mentioned in the petition. Learned counsel further invited the attention of the Court towards various grounds pleaded

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -16- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. Haryana Wakf Board Vs. Union of India etc.
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc.Vs. Union of India etc. Sarup Singh Vs. Union of India etc.
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.

in their petition. Learned counsel for petitioners has relied upon the case law authorities as mentioned in ‘Table No.4’:

Table No.4

1.	The Deputy Commissioner And Special Land Acquisition Officer Vs. M/s S.V. Global Mill Limited. 2026(1) RCR(Civil) 843 (S.C).
2.	Punjab State Agricultural Marketing Board (Mandi Board) Vs. Ludhar Mal and Others 2013(3) RCR(Civil) 982 (P&H).
3.	Sadhu Singh Vs. State of Haryana 1997(1) RCR(Civil) 743 (P&H).
4.	Thuru Ram Vs. State of Punjab and others, 2010(5) RCR(Civil) 215 (P&H).
5.	R. Saragapani (Dead) through L.Rs Vs. The Special Tahsildar, Karur-Dindigui Broadguage Line, 2011(4) RCR(Civil) 811 (S.C.).
6.	Sukh Lal and others Vs. State of Haryana and another, 2008(4) RCR(Civil) 795 (P&H).
7.	National Highways Authority of India Vs. Nirmal Kumar and Ors. 2025(3) RCR 663 (P&H).
8.	The Navnirman Development Consultants (I) Pvt. Ltd. Vs. The Divisional Commissioner & President District Sports Complex Executive Committee, 2018(5) RCR(Civil) 1 (S.C.).

18. On the other hand, learned counsel for respondents in all the petitions have jointly argued that this Court has very limited jurisdiction under Section 34 of The Arbitration and Conciliation Act, 1996. They further argued that the Arbitrator passed the Award after appreciating all the facts and aspects of the case. The petitioners failed to produce any conclusive evidence to show the market value of the land much higher as compared to the Award amount. They also invited the attention of the

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -17- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. Haryana Wakf Board Vs. Union of India etc.
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc.Vs. Union of India etc. Sarup Singh Vs. Union of India etc.
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.

Court towards the detailed Award dated 03.12.2018, whereby the Arbitrator has duly heard the parties, appreciated the evidence and thread bare discussed the contention of the petitioners. They further argued that impugned Award cannot be compared with the Awards passed in District Ambala on account of difference in Collector rate. Learned counsels lastly argued that the Award was passed in the year 2014. They have already taken the entire compensation, but the possession of the land was not delivered till 2016. In fact, it was loss for the Government. Learned counsel relied upon the case law authorities as mentioned in ‘Table No.5’:

Table No.5

1.	Consolidated Construction Consortium Limited Vs. Software Technology Parks of India 2025(2) RAJ 180 (S.C.).
2.	M/s Associated Construction Vs. Pawanhans Helicopters Pvt. Ltd. 2009(1) RCR(Civil) 34 (S.C.)
3.	Visakhapatnam Port Trust Vs. M/s Continental Construction Company 2009 AIR SCW 2195 (S.C.).
4.	Railway Board through its Chairman, Rail Bhavan, Raisina Road, Rail Bhavan, New Delhi Vs. Punjab State Electricity Board through its Chairman, The Mall, Patiala 2010(1) RCR(Civil) 645.
5.	M/s Sudarshan Trading Co. Vs. Government of Kerala and another 1989(2) ArbiLR 6 (S.C).
6.	Indian Oil Corporation Ltd. Vs. Indian Carbon Ltd. 1988(1) ArbiLR 394 (S.C.).

DISCUSSIONS/OBSERVATIONS OF THIS COURT:

19. In the present case the material question, which needs to be adjudicated is that whether there are any cogent, reliable and rational

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -18- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. *Haryana Wakf Board Vs. Union of India etc.*
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc. Vs. Union of India etc. *Sarup Singh Vs. Union of India etc.*
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. *Mulakh Raj etc. Vs. Union of India etc.*

grounds which call out to allow the present petitions. After microscopic scrutiny of the entire available facts and circumstances and the record of the case, this court is of the considered opinion that there are no such genuine and authentic circumstances which help to give impetus to the version of the applicants/petitioners. It is well settled proposition of law that mere vague assertions cannot take the place of proof.

20. Before embarking upon further discussion, it would be relevant to refer to the provision of Section 34 of the Act, 1996, which reads as under:-

“34. Application for setting aside arbitral award -

- (1) Recourse to a Court against an arbitral award may be made only by an application for setting aside such award in accordance with sub-section (2) and sub- section (3).*
- (2) An arbitral award may be set aside by the Court only if - (a) the party making the application furnishes proof that-*
 - (i) a party was under some incapacity, or*
 - (ii) the arbitration agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law for the time being in force; or*
 - (iii) the party making the application was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case; or*
 - (iv) the arbitral award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration:*
Provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, only that part of the arbitral award which contains decisions on matters not submitted to arbitration may be set aside; or
 - (v) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties, unless such agreement was in conflict with a*

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -15- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. *Haryana Wakf Board Vs. Union of India etc.*
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc.Vs. Union of India etc. *Sarup Singh Vs. Union of India etc.*
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. *Mulakh Raj etc. Vs. Union of India etc.*

provision of this Part from which the parties cannot derogate, or, failing such agreement, was not in accordance with this Part; or

(b) the Court finds that -

- (i) the subject-matter of the dispute is not capable of settlement by arbitration under the law for the time being in force, or*
- (ii) the arbitral award is in conflict with the public policy of India.*

[Explanation 1—For the avoidance of any doubt, it is clarified that an award is in conflict with the public policy of India, only if, -

- (i) the making of the award was induced or affected by fraud or corruption or was in violation of section 75 or section 81; or*
- (ii) it is in contravention with the fundamental policy of Indian law; or*
- (iii) it is in conflict with the most basic notions of morality or justice.*

Explanation 2—For the avoidance of doubt, the test as to whether there is a contravention with the fundamental policy of Indian law shall not entail a review on the merits of the dispute.]

[(2A) An arbitral award arising out of arbitrations other than international commercial arbitrations, may also be set aside by the Court, if the Court finds that the award is vitiated by patent illegality appearing on the face of the award:

Provided that an award shall not be set aside merely on the ground of an erroneous application of the law or by re-appreciation of evidence.]

- (3) An application for setting aside may not be made after three months have elapsed from the date on which the party making that application had received the arbitral award, or, if a request had been made under section 33, from the date on which that request had been disposed of by the arbitral tribunal:*

Provided that if the Court is satisfied that the applicant was prevented by sufficient cause from making the application within the said period of three months it may entertain the application within a further period of thirty days, but not thereafter.

- (4) On receipt of an application under sub-section (1), the Court may, where it is appropriate and it is so requested by a party, adjourn the proceedings for a period of time determined by it in order to give the arbitral tribunal an opportunity to resume the arbitral proceedings or to take such other action as in the opinion of arbitral tribunal will eliminate the grounds for*

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -26- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. *Haryana Wakf Board Vs. Union of India etc.*
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc. Vs. Union of India etc. *Sarup Singh Vs. Union of India etc.*
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. *Mulakh Raj etc. Vs. Union of India etc.*

setting aside the arbitral award.

Explanation Subs. by Act 3 of 2016, sec. 18 (w.e.f. 23.10.2015)
Ins. by Act 3 of 2016, sec. 18 (w.e.f. 23.10.2015)

- [(5) *An application under this section shall be filed by a party only after issuing a prior notice to the other party and such application shall be accompanied by an affidavit by the applicant endorsing compliance with the said requirement.*
- (6) *An application under this section shall be disposed of expeditiously, and in any event, within a period of one year from the date on which the notice referred to in sub-section (5) is served upon the other party.]”*

21. The provision of section 34 of the Act, 1996 is plain and clear in itself which provides that the Arbitrator is the final judge of all the questions, both of law and facts. Only the award of the Arbitrator can be challenged if the petitions fulfill the grounds as envisaged in section 34 of the Act. In the absence of fulfilling of these yardsticks, objections/petitions under section 34 of the Act, 1996 are not maintainable. In case titled as ***Union of India Vs. M/s Gurdev Singh Deva 2016 (2) PLR 220***, it has been laid down that Arbitrator is sole judge of quality and quantity of evidence before him and to decide on basis of available evidence.

22 Scope of Section 34 the 1996 Act is now well crystallized by a plethora of judgments of Hon’ble Court. Section 34 is not in the nature of an appellate provision. It provides for setting aside an arbitral award that too only on very limited grounds i.e. as those contained in sub-sections (2) and (2A) of Section 34 . It is the only remedy for setting aside

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -21- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. Haryana Wakf Board Vs. Union of India etc.
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc.Vs. Union of India etc. Sarup Singh Vs. Union of India etc.
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.

an arbitral award. An arbitral award is not liable to be interfered with only on the ground that the award is illegal or is erroneous in law which would require re-appraisal of the evidence adduced before the arbitral tribunal.

23. Reliance in this regard can be placed upon a three Hon'ble judges judgment of Hon'ble Supreme Court of India in Oil and Natural Gas Corporation Ltd. Vs. Discovery Enterprises Pvt. Ltd. and Ors AIR 2022 SC 2080 wherein it has been held that:

- (i) A mere contravention of substantive law is not a ground to set aside an award;
- (ii) The court while exercising the power of judicial review should not re-appreciate evidence;
- (iii) The construction of a contract is essentially a matter for the arbitral tribunal to decide;
- (iv) An award can be construed to be perverse only if it is based on no evidence or has ignored vital evidence;
- (v) The illegality of an award must be of such a nature or character so as to go to the root of the award; and
- (vi) Judicial intervention under Section 34 would not be warranted only because an alternative view on facts or the construction of the award is available.

24. If two views are possible, there is no scope for the court to

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -22- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. Haryana Wakf Board Vs. Union of India etc.
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc. Vs. Union of India etc. Sarup Singh Vs. Union of India etc.
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.

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re-appraise the evidence and to take the view other than the one taken by the arbitrator. The view taken by the arbitral tribunal is ordinarily to be accepted and allowed to prevail. Thus, the scope of interference in arbitral matters is only confined to the extent envisaged under Section 34 of the Act. The court exercising powers under Section 34 has perforce to limit its jurisdiction within the four corners of Section 34. It cannot travel beyond Section 34. Thus, proceedings under Section 34 are summary in nature and not like a full-fledged civil suit or a civil appeal. The award as such cannot be touched unless it is contrary to the substantive provisions of law or Section 34 of the 1996 Act or the terms of the agreement.

25. Therefore, the role of the court under Section 34 of the 1996 Act is clearly demarcated. It is a restrictive jurisdiction and has to be invoked in a conservative manner. The reason is that arbitral autonomy must be respected and judicial interference should remain minimal otherwise it will defeat the very object of the 1996 Act.

26 Now, turning to the case in hand, it transpires that the Award under challenge has been passed by the Arbitrator in the presence of all the parties and the Arbitrator after taking into consideration the documents produced by the parties, as well as their respective evidence has passed the Award.

27. From perusal of the Award under challenge, there is nothing

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -23- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. Haryana Wakf Board Vs. Union of India etc.
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc. Vs. Union of India etc. Sarup Singh Vs. Union of India etc.
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.

to suggest that Arbitrator Award is unlawful, illegal or ultra-vires. The careful scrutiny of the arbitration award clearly indicates that the contesting parties before the arbitrator were given proper hearing and adequate opportunity to represent their respective issues pertaining to their claims and it is only after taking into account the detailed evidence as well as specific admissions that the award in question was passed by due adherence to the settled law. It was heavy onus on the applicants/petitioners to establish that they were either not heard or that there was any such illegality in the manner of passing the award in question, howbeit, the grounds taken in the petitions are certainly not of the nature which can shift the balance of probabilities in favour of applicants/petitioners. It is well settled that mere hazy and amorphous grounds cannot be considered as sufficient to interfere in the arbitral award. In the present case, the relevant conditions to set aside the impugned award have not been established by the applicants/petitioners which calls out in any manner to interfere with the impugned award. The award dated 03.12.2018 has been based on detailed findings as well as after detailed scrutiny of the relevant facts and circumstances. Moreso, the applicants/petitioners themselves participated in the proceedings before the Arbitrator by way of challenging the Award No.9 dated 23.12.2014 announced by competent Authority-cum-DRO, Kurukshetra and at the

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -24- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. *Haryana Wakf Board Vs. Union of India etc.*
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc. Vs. Union of India etc. *Sarup Singh Vs. Union of India etc.*
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. *Mulakh Raj etc. Vs. Union of India etc.*

time of proceedings, various objections have been dealt in detail by the Arbitrator in the impugned award. At this stage, although various such objections/petitions have been reiterated by the petitioners, albeit, after careful scrutiny of the entire available facts and circumstances, this court is convinced that the nature of objections/petitions are not of the nature which can fulfill the criteria to interfere with the impugned award as suggested under Section 34 of The Arbitration and Conciliation Act, 1996.

28. Apart from the aforesaid legal proposition regarding the restricted jurisdiction of the Court to interfere in the Arbitral Award on the grounds envisaged under Section 34 of The Arbitration and Conciliation Act, 1996, there are certain other points which needs to be discussed and pacified as the same were raised during the course of arguments by the learned counsel for the petitioners.

29. The first argument was regarding date of applicability of the Act of 2013. It has been argued by the learned counsels for petitioners that it was applicable from 01.01.2014. In this regard, they relied upon various citation and case laws. In this regard, Section 24 of The Act is very relevant, which reads as follows:

24. (1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894,-

(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -25- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. *Haryana Wakf Board Vs. Union of India etc.*
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc. Vs. Union of India etc. *Sarup Singh Vs. Union of India etc.*
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. *Mulakh Raj etc. Vs. Union of India etc.*

(b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (/), in case of land acquisition proceedings initiated under the Land Acquisition Act. 1894, where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries-specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.

30. It is on the basis of this provision that the petitioners are claiming that they would be covered under the new provision as applicable from 01.01.2014.

31. In this regard, following comprehensive guidelines were issued by MORTH on 28.12.2017 as discussed in **Gopa Ram Vs. Union of India and others, Law Finder Doc Id # 1077149:**

(iii) By now, it is also a settled proposition that the First, Second and Third Schedule of the RFCTLARR Act, 2013 shall be applicable to the NH Act, 1956 with effect from 01.01.2015. As such, the following is clarified:

(a) All cases of Land acquisition where the Awards had not been announced under Section 3G of the NH Act till 31.12.2014 or where such awards had been announced but compensation had not been paid in respect of majority of the land holdings under acquisition as on 31.12.2014, the compensation would be payable in accordance with the [First](#)

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -26- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. *Haryana Wakf Board Vs. Union of India etc.*
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc. Vs. Union of India etc. *Sarup Singh Vs. Union of India etc.*
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. *Mulakh Raj etc. Vs. Union of India etc.*

Schedule of the RFCTLARR Act, 2013.

(b) In cases, where the land acquisition process was initiated and award of compensation under Section 3G had also been announced before 01.01.2015 but the full amount of Award had not been deposited by the acquiring agency with the CALA, the compensation amount would be liable to be determined in accordance with the (14 of 15) First Schedule w.e.f. 01.01.2015;

(c) In cases, where the process of acquisition of land stood completed (i.e. Award under Section 3G announced by CALA, amount deposited by the acquiring agency with the CALA, and compensation paid to the landowners in respect of majority of the land under acquisition) as on or before 31.12.2014, the process would be deemed to have been completed and settled. Such cases would not be re-opened.

32. From the above, it is clear that the applicability of the Act of 2013 would be given effect in respect of the enactment specified in Fourth Schedule including the NH Act of 1956 with effect from 01.01.2015.

33. Award of the present petitioners was passed in the year 2014. Their payments were also disbursed.

34. Apart from the above legal discussion, the plea of the petitioners that it was not 01.01.2015, but 01.01.2014 leads to a different view on legal construction of a provision. It is settled that when there are two views/different views possible on the judgment, the view already taken by the other Court has to be given preference. In this regard, reliance is placed on record *M/s Associated Construction Vs. Pawanhans Helicopters Pvt. Ltd. 2009(1) RCR(Civil) 34 (S.C.)*, wherein it was held that:

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -27- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. *Haryana Wakf Board Vs. Union of India etc.*
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc. Vs. Union of India etc. *Sarup Singh Vs. Union of India etc.*
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. *Mulakh Raj etc. Vs. Union of India etc.*

“It must also be borne in mind that a court does not sit as one in appeal over the award of the arbitrator and if the view taken by the arbitrator is permissible, no interference is called for on the premise that a different view was also possible.”

35. The other pleas regarding solatium and the authorities which could have passed the Arbitral Award were dependent upon the applicability of the Section 24 of the Act of 2013 upon petitioners which has not been found to be applicable to them. Therefore, these pleas are not required to be considered.

36. Lastly, the plea of the petitioners that in similar circumstances, the other Arbitrators at Ambala have granted 100% solatium and enhanced compensation does not apply upon the petitioners because at Ambala payment was done after 01.01.2025. The land acquisition in District Kurukshetra qua the present petitioners was completed in the year 2014. Therefore, there can't be any parity between the two. Lastly, the petitions are otherwise not maintainable for non-compliance of Section 34(5) of the Act of 1996.

37. Having considered the entire record and submissions advanced, this Court finds no merit in the present petitions. The Arbitrator-cum-Additional Deputy Commissioner, Kurukshetra, has passed a well-reasoned and detailed award dated 03.12.2018, after due

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -28- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. Haryana Wakf Board Vs. Union of India etc.
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc.Vs. Union of India etc. Sarup Singh Vs. Union of India etc.
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.

appreciation of the evidence placed before him. The objections raised by the petitioners, including those regarding alleged non-consideration of prevailing market rates and claims for higher compensation, appear to be general in nature and do not demonstrate any perversity or patent illegality in the impugned award. Thus, this Court sees no cogent or compelling ground to interfere with the award.

38. This Court has carefully perused the catena of judgments relied upon by the petitioners in support of their submissions. However, with utmost respect and profound deference to the judicial precedents so cited, it is observed that the factual matrix of the present case stands on a pedestal wholly distinct in its foundational contours. The nuanced circumstances, nature of acquisition, locational dynamics, and evidentiary substratum involved herein render the said authorities inapposite. In the present matter, the award passed by the learned Arbitrator manifests a judicious application of mind, guided by the peculiar features of the case before him.

39. Where the award is neither unjust nor contrary to the public policy, the sanctity of the arbitral process must be upheld. The claimants' contention for a higher solatium, in absence of any other convincing circumstances, finds no legal anchor sufficient to dislodge the award under challenge. Hence, the reliance placed by the petitioners upon the

*CNR No.HRKU01-002687-2019. Arb No.46 of 19. -25- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. Haryana Wakf Board Vs. Union of India etc.
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc.Vs. Union of India etc. Sarup Singh Vs. Union of India etc.
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.*

cited decisions, fails to advance their cause in the specific factual landscape of the instant petitions. Therefore, with profound reverence expressed to the case laws as cited as well as to the legal prowess of the learned counsel for applicants/petitioners, this court is of the vantage point that the spectrum of conditions of present case stand on distinct pedestals of legal and factual facts as compared to the judicial expositions relied upon by learned counsel for the applicants/petitioners.

40. No other point is urged during the arguments.

41. Hence, in view of the aforesaid discussion, this court is of the considered view that the applicants/petitioners have not been able to establish any convincing case to allow the present petitions and the relief claimed by them has been rightly appreciated in its proper perspective by learned Arbitrator and as a result, the findings of the learned Arbitrator rendered in the impugned award are maintained.

42. Resultantly, trio of the petitions filed by applicants/petitioners are dismissed.

43. A copy of this judgment be also placed in the connected **ARB No.14 of 2019** titled as “**Haryana Wakh Board Vs. Union of India etc.**”, **ARB No.59 of 2019** titled as “**Ramesh Chand etc. Vs. Union of India etc.**”, **ARB No.89 of 2019** titled as “**Sarup Singh Vs. Union of India etc.**”, **ARB No.90 of 2019** titled as “**Ishar Singh Vs. Union of India etc.**”, and

CNR No.HRKU01-002687-2019. Arb No.46 of 19. -36- CNR No.HRKU01-002347-2019. Arb No.14 of 19.
Balwinder Singh Vs. Union of India etc. Haryana Wakf Board Vs. Union of India etc.
CNR No.HRKU01-003006-2019. Arb No.59 of 19. CNR No.HRKU01-003190-2019. Arb No.89 of 19.
Ramesh Chand etc.Vs. Union of India etc. Sarup Singh Vs. Union of India etc.
CNR No.HRKU01-003276-2019. Arb No.90 of 19. CNR No.HRKU01-003305-2019. Arb No.92 of 19.
Ishar Singh Vs. Union of India etc. Mulakh Raj etc. Vs. Union of India etc.

ARB No.92 of 2019 titled as “Mulakh Raj Vs. Union of India etc.”, filed by Mulakh Ram etc.

44. Memo of costs be prepared accordingly. Record be sent back to the quarter concerned. After due compliance files be consigned to records.

Announced in open Court.
Dated: 06.08.2026.

(Dr. Kavita Kamboj)
Additional District Judge,
Kurukshetra. UID No.HR0240.

Note: Each page of this judgment has been checked and signed by me.

(Dr. Kavita Kamboj)
Additional District Judge,
Kurukshetra. 06.08.2026.

Amit Kalia, SGG-II.

(Dr. Kavita Kamboj)
Additional District Judge,
Kurukshetra. 06.08.2026.