

Baldev Singh Vs. NHAI

Present: Shri Peush Jain Advocate counsel for DH.
Shri Anurag Bindal Advocate for JDs no.1 & 3.
JD no.2 exparte.

The present execution application has been filed by DH for executing the award passed by Arbitrator-cum-Commissioner, Faridkot under the provisions of Section 3G(5) of National Highways Act, 1956.

Recently, the Hon'ble Punjab and Haryana High Court, Chandigarh in *Sohan Lal and others Versus Union of India and others*, CWP No.19799-2023, decided on 20.03.2025 has declared Sections 3G and 3J of National Highways Act, 1956 to be constitutionally void. It was further held that execution application filed for executing the award passed by the arbitrator under the aforesaid section would become ineffective.

In CM-6035-CWP-2025 vide order dated 29.04.2025, Hon'ble High Court passed the order giving following clarification:-

“Disposed of with a clarification to the extent, that in those cases where binding and conclusive judgments have been pronounced, therebys the said binding and conclusive judgments shall be executed, before/by the Executing Court / Authority concerned. However, in those cases where compensation has been determined through binding and conclusive verdicts, through applications thereons of the principles envisaged in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013 (hereinafter referred to as the “Act of 2013”), therebys such binding and conclusive judgments, shall also remain unaffected by the judgment(s) pronounced by the Court in the main case i.e. *Sohan Lal and others V. Union of India and others*.

A perusal of the order goes to show that only those conclusive and binding judgment are unaffected by the judgment pronounced by the Hon'ble High Court in *Sohan Lal and others Vs. Union of India and others* in which principle of Act of 2013 has been followed.

The expression used in the clarification order “binding conclusive judgment” is significant. As per Section 2(9) of CPC, judgment means the

statement given by the Judge on the ground of a decree or order. In the present case, there is no adjudication by the court and as such the present execution does not come under the ambit of clarification order dated 29.04.2025 and present award is inexecutable. Hence, the arguments of learned counsel for DH that arbitration award is a binding and conclusive judgment is devoid of merits.

In view of the aforesaid authoritative pronouncement of Hon'ble High Court, the present execution application is dismissed being not maintainable. The present execution application is disposed of. Records of this court be consigned.

(Dinesh Kumar Wadhwa)
Additional District Judge,
Faridkot (UID no.PB0445)

Dated: 15.05.2025
Parul Kumar