

Arb no.630 of 2020

CNR no. PB PT 01 008650-2020

UOI vs. Tejinder Kaur

**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 respondent no.1
Sh.Sandeep Sharma, Advocate, counsel for NHAI
Respondent no.4 ex parte

ORDER

1. Heard on the application under Order 1 Rule 10 CPC filed by National Highway Authority of India to transpose it as petitioner.

2. Learned counsel for respondent no.1 has pleaded no objection to the said prayer.

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-71. Now, as per gazette notification dated 1.10.2020 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. Hence, a prayer is made on behalf of NHAI that since the project has been transferred to it, therefore, it be transposed as petitioner.

4. It is an admitted fact that vide Notification of the Ministry of Road Transport and Highways, New Delhi dated 1.10.2020, National Highway 71 (Now NH- 52), starting from its junction with NH-7 near

Sangrur and upto Punjab/Haryana border 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 19.6.2020 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. 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.

5. So, keeping in view the above discussion, the application of NHAI is allowed and it is transposed as petitioner. Now to come up on 3.12.2022 for filing amended tile and reply by respondent no.1.

Date of order 22.11.2022
Ravinder Kaur

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