

NHAI vs. Ajeet Kumar & others

Arb. Appeal No.363 of 2025

06.07.2026 Present: Mr. Sumeet Raj Sharma, Advocate, for the appellant.
Mr. Anirudh Sharma, Advocate, for respondent No.1.

OMP No.587 of 2026

The instant application has been filed by the applicant/respondent No.1 for modification of order dated 02.06.2026.

This Court on 02.06.2026, passed the following order:

“The instant application has been filed by respondent No.1 for the release of compensation amount. It has been averred in the application that this Court had stayed the operation and execution of the impugned judgment, subject to the deposit of entire compensation amount alongwith upto date interest in the Registry of this Court. It has further been averred that the applicant is in dire need of money as the land/house of the applicant stood acquired in the year 2020 and till date he has not received any amount of enhanced compensation. Therefore, it has been prayed that the compensation amount may be ordered to be released in favour of the applicant/respondent No.1. As per report of the Registry, the awarded amount stands deposited by the appellant in the Registry of this Court. In view of the averments as made in the application, which are duly supported by an affidavit and in view of the submissions as made by learned vice counsel for the applicant/respondent No.1, 50% of the total awarded amount of compensation is ordered to be released in favour of applicant/respondent No.1, by remitting the same in his saving bank account, the particulars whereof have been appended as Annexure A-1. The aforesaid release of

the compensation amount shall be subject to the furnishing of security by the applicant/respondent No.1, with an undertaking that, in the event of the appeal being allowed, the applicant/ respondent No. 1 shall refund the entire amount so released, along with up-to-date interest, without any protest or objection. The applicant/ respondent No.1 is directed to furnish the security of his own land or any other land owner submitting the papers of the title within a period of three weeks from today to the satisfaction of the learned Registrar (Judicial). The application stands disposed of.”

It has been submitted in the application that after the acquisition of the suit property/land, applicant/respondent No.1 is left with land measuring only 0.1.10 bigha (1.5 biswa), in which he holds ½ share. Despite his best efforts, no one is coming forward to help him or furnish security so as to comply with the order passed by this Court. It has been further averred in the application that it has become difficult for him to comply with order as passed by this Court on 02.06.2026. Therefore, it is prayed the order dated 02.06.2026 be modified to the extent that applicant/respondent may be permitted to file an undertaking before this Court without the need for furnishing of necessary security.

Learned counsel for the appearing non-applicant has no objection in case the application is allowed.

Consequently, in view of the averments as made in the application, which is duly supported by an affidavit, and in view of submissions as made by learned counsel for the applicant, the present application is allowed and order dated 02.06.2026 is modified to the extent that applicant/respondent No.1 is permitted to file an undertaking without the need to furnish security.

Accordingly, the application stands disposed of.

In terms of the order passed by this Court on 02.06.2026, the entire 50% of the awarded amount, along with interest, shall be released in favour of the applicant, subject to furnishing an undertaking on the terms that in case the appeal as filed by the non-applicant/appellant is allowed, in that event, the said amount shall be refunded back to the non-applicant/appellant without any protest.

(Romesh Verma)
Judge

July 06, 2026
(vt)