

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9532 OF 2015

Kerman Sam Amroliwala

.. Petitioner

Versus

1. Competent Authority (Land Acquisition),
National Highway No. 6 and
Sub-Divisional Officer,
Bhusawal Division and another .. Respondents

Shri A. B. Kale, Advocate for the Petitioner.

Shri D. S. Manorkar, Advocate for the Respondent No. 1.

Respondent No. 2 served.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 18TH FEBRUARY, 2016.

PER COURT :

. Mr. Kale, the learned counsel submits that, the award has been passed by the Arbitrator under the Arbitration and Conciliation Act. The respondents have challenged the same by filing application U/Sec. 34 of the Arbitration and Conciliation Act. Even the stay application filed by respondent is refused.

2. The learned counsel for the respondent No. 1 submits that, the respondent No. 1 would take further steps in that regard.

3. Once the Arbitrator has passed an award, it is obligatory on the part of the respondent No. 1 to deposit the amount within the period as stated under the said order. Though the order is passed for deposit of amount, the aggrieved party is entitled to move U/Sec. 34 of the Arbitration and Conciliation Act. However, unless the said award is stayed, the respondents cannot claim any immunity in depositing the amount.

4. In the result the respondent No. 1 shall deposit the amount as per the award passed by the Arbitrator in proceedings filed by the respondents U/Sec. 34 of the Arbitration and Conciliation Act within a period of four (4) weeks from today. On deposit of the said amount by the respondent No. 1, the present petitioner may apply for withdrawal before the said Court, which application the Court would consider on its own merits and pass order accordingly. In case there are no prohibitory orders passed by any Court, then the petitioner is entitled to withdraw the said amount. The writ petition accordingly is disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]