

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

WRIT PETITION NO. 9867 OF 2018

**TAHERABANO MOHAMMAD HALIM AND OTHERS
VERSUS
NATIONAL HIGHWAY AUTHORITY OF INDIA THOROUGH
GENERAL MANAGER**

...
**Advocate for Petitioners : Salunke Mayur V
Adv.Mr.D.S.Manorkar for respondent**

..
**CORAM : R.M.BORDE &
MANGESH S. PATIL,JJ.
DATE : 23/10/2018**

PER COURT :-

The learned counsel for the respondent, on instructions states that the respondent has already approached District Court under Section 34 of the Arbitration and Conciliation Act, 1996. It is further contended that in view of presentation of application under Section 34 of the Arbitration and Conciliation Act, 1996, the respondent is not required to deposit the amount, as filing of the application would operate as stay to the execution of the award.

2] At the same time, the respondent is bound to comply with the provisions of Section 3 H(6) of the National Highways Act, 1956 in respect of deposit of the amount of compensation. If the amount is not deposited, the same shall be deposited by the

respondent with the District Court,Dhule where the application under Section 34 of the Arbitration Act is stated to have been preferred and is pending for consideration. The amount shall be deposited in the District Court as expeditiously as possible preferably within 8 weeks from today. The petitioner shall have to make a request for withdrawal of the amount to the District Judge in the proceedings initiated by respondent under the Arbitration and Conciliation Act, 1996 by presenting appropriate application.

3] In view of above, Writ Petition is disposed of. No costs.

(MANGESH S. PATIL,J.) (R.M.BORDE,J.)

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