

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

WRIT PETITION NO. 5557 OF 2019

**GOKUL CHHAGAN KOTKAR AND ANOTHER
VERSUS
NATIONAL HIGHWAY AUTHORITY OF INDIA PROJECT IMPLEMENTATION
UNIT NASHIK THROUGH PROJECT DIRECTOR AND OTHERS**

Mr. M. S. Kulkarni, Advocate for Petitioners.
Mr. A. R. Kale, AGP for respondents/State.

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ**

DATED : 4th JULY, 2019.

PER COURT:-

1. Mr. Kulkarni, the learned Counsel submits that the Arbitrator has passed the award under the provisions of the National Highways Act, 1954 in the year 2013, however, the amount is not deposited as yet as per the rules. The authority has to deposit the amount within seven (07) days. Respondent No. 1 had filed an application under Section 34 of the Arbitration and Conciliation Act, 1996.

2. The petitioner has remedy to file execution proceedings. According to the petitioner the Appellate Court has not granted any stay.

3. In view of the fact that no stay is granted by the Appellate Court, the petitioner may file execution proceedings and seek execution of the award. If the authority files any application for stay before the Appellate authority then the petitioner can contest the application.

4. If, even after filing of execution within a reasonable period, no further steps are taken, then petitioner is at liberty to move afresh.

5. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

RS.B.