

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10490 OF 2019

MOHAMMAD FAJALE HUSSEN
AND OTHERS

..PETITIONERS

VERSUS

THE NATIONAL HIGHWAY AUTHORITY
OF INDIA THE PROJECT DIRECTOR
AND OTHERS

...RESPONDENTS

AND

WRIT PETITION NO.10493 OF 2019

MOHAMMAD FAJALE HUSSEN
AND OTHERS

..PETITIONERS

VERSUS

THE NATIONAL HIGHWAY AUTHORITY
OF INDIA THE PROJECT DIRECTOR
AND OTHERS

...RESPONDENTS

Mr. A.D. Sonar, Advocate for Petitioners
Mr. A.B. Dhongade, Advocate for Respondent No. 3

**CORAM : S.V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 26th AUGUST, 2019

ORAL ORDER:

1. The learned Counsel submits that arbitrator has granted enhanced compensation amount to the petitioners. The Highway Authority had filed application under section 34 of the Arbitration and Conciliation Act, 1996 before the District Judge. The Competent

Authority/Highway Authority has deposited the amount.. The petitioners have filed application for withdrawal of the amount in July, 2018, but no orders passed on it as yet.

2. Mr. Dhongade, the learned Counsel appears for the competent authority.

3. Under our order dated 17th January, 2018 in Writ Petition bearing No. 14994/2017 and 14984/2017, we have directed the authorities to deposit the amount within a period of eight weeks. We also allowed the petitioners therein to put forth their case with regard to their right of withdrawal of the amount. Accordingly, the petitioners have filed the application. However, the same is not yet decided.

4. In case, there is no impediment, the District Judge where the applications filed by the petitioners are pending, shall take decision upon it after hearing all parties concerned, preferably within a period of three months after the communication of the order of this Court.

5. The Writ Petition is disposed of. No costs.

[ANIL S.KILOR]
JUDGE

[S.V.GANGAPURWALA]
JUDGE