

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

37 WRIT PETITION NO.10294 OF 2018

MEHBOOBK BEE ALIAS GORI BEGUM THROUGH LRS SAYED
SALIMSAYED ALI AND ANOTHER

VERSUS

THE UNION OF INDIA AND OTHERS

...

Advocate for Petitioners : Mr. V. D. Sapkall h/for
Mr. Sayyed Tauseef Yaseen

Advocate for Respondent Nos.1 to 3 : Mr. Ravi R. Bangar

Advocate for Respondent No.4 : M. V. Kini & Co. And
Manorkar Deepak S

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 14th February, 2019

PER COURT :

1. We have heard learned counsel for the parties.

2. The petitioner challenges the corrigendum issued by the Arbitrator, National Highway Authority of India and Collector, Beed, dated 18.08.2018. Initially award came to be passed by the competent authority under the National Highways Act on 31.05.2016. Thereafter supplementary award dated 02.01.2017 is passed. As per supplementary award, compensation is granted @ Rs.3770/- per

square meter. The petitioner filed application before the Arbitrator for enhancement of compensation. The petitioner sought compensation @ Rs.4000/- per square meter. The Arbitrator, under its order dated 12.06.2018, partly allowed the application and directed the authority to pay 100% compensation to the applicant as per Award dated 02.01.2017. Subsequently on 18.08.2016, corrigendum is issued by the Arbitrator to the effect that there is typographical mistake in the operative part of order dated 12.06.2018 at Serial No.2 and instead of award dated 02.01.2017, it should be read as award dated 31.05.2016. The said corrigendum is assailed in the present writ petition.

3. According to Mr. Manorkar, learned Advocate for respondent No.4, the petitioner has remedy under section 34 of the Arbitration and Conciliation Act, 1996. The Award can be challenged before the principle or Court of ordinary original civil jurisdiction as per section 34 of the Act.

4. According to Mr. Sapkal, learned advocate for the petitioner, corrigendum is issued without notice to the petitioner and without hearing the petitioner after the award has been passed and it is only the corrigendum is assailed.

5. Corrigendum appears to have been issued 18.08.2018 after the Arbitrator passed award dated 12.06.2018, without notice to the petitioner and without hearing the petitioner. It is only in this circumstance, we have entertained the writ petition.

6. We have gone through the award passed by the Arbitrator dated 12.06.2018. In the Award, the Arbitrator has specifically observed that the amount of compensation computed @ Rs.3770/- per square meter is rightly calculated. Enhancement is not given to the petitioner. It appears that the Arbitrator has issued corrigendum under confusion, considering the operative part of the order itself. However, probably the Arbitrator meant the 100%

compensation as per the Award 31.05.2016, meaning thereby, deductions under the Award were improper and 100% compensation i.e. @ Rs.3770/- per square meter is payable to the petitioner.

7. Considering the above, we set aside the corrigendum dated 18.08.2018 and the petitioner would be entitled for compensation @ Rs.3770/- per square meter as is determined by the supplementary award dated 02.01.2017.

8. The respondents shall pay the amount to the petitioner as per the Rules.

9. Writ petition is accordingly disposed of. No costs.

(A. M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

JPC