

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

926 WRIT PETITION NO.583 OF 2020

BHAGWAN NARAYAN GHORPADE

VERSUS

NATIONAL HIGHWAY AUTHORITY OF INDIA PROJECT
IMPLEMENTATION UNIT NASHIK AND ANOTHER

...

Advocate for Petitioner: Mr. Kulkarni Mukul S.
Advocate for Respondent No. 1: Mr. D. S. Manorkar
AGP for Respondent No. 2: Mr. S. N. Kendre

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926 WRIT PETITION NO. 677 OF 2020

DEVIDAS BABURAO DEORE AND OTHERS

VERSUS

NATIONAL HIGHWAY AUTHORITY OF INDIA PROJECT
IMPLEMENTATION UNIT NASHIK AND ANOTHER

...

Advocate for Petitioner: Mr. Kulkarni Mukul S.
Advocate for Respondent No. 1: Mr. D. S. Manorkar
AGP for Respondent No. 2: Mr. S. N. Kendre

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WRIT PETITION NO. 561 OF 2020

SHYAM MOHANLAL AGRAWAL

VERSUS

NATIONAL HIGHWAY AUTHORITY OF INDIA PROJECT
IMPLEMENTATION UNIT NASHIK AND ANOTHER

...

Advocate for Petitioner: Mr. Kulkarni Mukul S.
Advocate for Respondent No. 1: Mr. D. S. Manorkar
AGP for Respondent No. 2: Mr. S. N. Kendre

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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 02nd SEPTEMBER, 2020

PER COURT:

1. We have heard Mr. Kulkarni, learned Counsel for the petitioners and Mr. Manorkar, learned Counsel for the respondent.

2. The learned Counsel for the petitioners submits that the petitioners are similarly situated with the petitioners in Writ Petition No. 12014 of 2019 with connected writ petitions decided under order dated 01.10.2019.

3. Mr. Manorkar, learned Counsel submits that at the time of deciding the matters on 01.10.2019, the learned Counsel appearing for the National Highway Authority could not point out the National Highways (manner of depositing the amount by the Central Government with the competent authority for acquisition of land) Rules, 2019 and instead Rules of 1998 were cited.

4. It would appear that the award by the Arbitrator is passed on 01.04.2018. The application U/Sec. 34 against the award passed by the Arbitrator is also filed in the year 2018. At

that relevant time, the Rules of 2019 did not see the light of the day. The rules as on the date the award was passed and / or the appeal was filed would be applicable. The said Rules of 1998 were considered while passing the order dated 01.10.2019 in Writ Petition No. 12014 of 2019 with connected writ petitions.

5. In light of that, we pass the following order.

6. In the matters wherein the respondents have not deposited the amount as per the award of the Arbitrator before the Competent Authority, the respondents shall deposit the amount before the Competent Authority as per the award passed by the Arbitrator within eight (8) weeks from today. The respondents may approach the learned District Judge for further orders in accordance with law. The petitioners shall also be at liberty to put forth their case with regard to the right to withdraw the amount from the Competent Authority / District Judge.

7. It is submitted that the pleadings are complete. The learned Judge where the application filed by the respondent challenging the award of the Arbitrator is pending shall endeavour to decide the said application expeditiously and preferably within a period of three (03) months.

8. Mr. Manorkar, learned Counsel submits that the petitioner may not be allowed to withdraw the amount.

9. The respondent may take up such a plea before the learned District Judge before whom the matter is pending. The learned District Judge certainly will consider the rival contentions and pass appropriate order.

10. Writ Petitions stand disposed of. No costs.

[SHRIKANT D. KULKARNI, J.][S. V. GANGAPURWALA, J.]

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