

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

60 WRIT PETITION NO.4962 OF 2021

KULBIRSING DILJITSING BHATIA THR POWER OF ATTORNEY
HOLDER GOVIND OMPRAKASH AGRAWAL
VERSUS

NATIONAL HIGHWAY AUTHORITY OF INDIA PROJECT
IMPLEMENTATION UNIT NASHIK AND ANOTHER

...

Advocate for Petitioner : Mr. Kulkarni Mukul S.
Advocate for Respondent 1 : Mr. D.S. Manorkar
AGP for Respondent 2 : Mr. P.S. Patil

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61 WRIT PETITION NO.4971 OF 2021

GULAB NAMDEV BHADANE SINCE DECEASED THR LRS
CHITRABAIGULAB BHADANE
VERSUS

NATIONAL HIGHWAY AUTHORITY OF INDIA PROJECT
IMPLEMENTATION UNIT THROUGH PROJECT DIRECTOR AND
ANOTHER

...

Advocate for Petitioner : Mr. Kulkarni Mukul S.
Advocate for Respondent 1 : Mr. D.S. Manorkar
AGP for Respondent 2 : Mr. P.S. Patil

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**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : 05/07/2021.

PER COURT :

. We have heard Mr. Kulkarni, learned counsel for the
petitioners and Mr. Manorkar, learned counsel for 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 in the year 2013. The application under section 34 against the award passed by the Arbitrator is also filed in the year 2013. At that relevant time, the Rules of 2019 did not see the light of the day. The rules as on the date of 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 the 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.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

ssc/