

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

WRIT PETITION NO. 5830 OF 2021

Chhagan Dagdu Patil
and others

.. Petitioners

Versus

The National Highway Authority of India
The Project Director,
NHAI-PIU-Nashik and others

.. Respondents

Mr. Anudeep D. Sonar, Advocate for the Petitioners.
Mr. A. G. Talhar, ASG for Respondent No. 2.
Mr. D. S. Manorkar, Advocate for Respondent No. 3.

AND

WRIT PETITION NO. 5856 OF 2021

Sanjay Bhuta Patil
and others

.. Petitioners

Versus

The National Highway Authority of India
The Project Director,
NHAI-PIU-Nashik and others

.. Respondents

Mr. Anudeep D. Sonar, Advocate for the Petitioners.
Mr. A. G. Talhar, ASG for Respondent No. 2.
Mr. D. S. Manorkar, Advocate for Respondent No. 3.

AND

WRIT PETITION NO. 5867 OF 2021

Sanjay Bhuta Patil
and others

.. Petitioners

Versus

The National Highway Authority of India
The Project Director,
NHAI-PIU-Nashik and others

.. Respondents

Mr. Anudeep D. Sonar, Advocate for the Petitioners.
 Mr. A. G. Talhar, ASG for Respondent No. 2.
 Mr. D. S. Manorkar, Advocate for Respondent No. 3.

**AND
 WRIT PETITION NO. 5877 OF 2021**

Chhagan Dagdu Patil
 and others .. Petitioners

Versus

The National Highway Authority of India
 The Project Director,
 NHAI-PIU-Nashik and others .. Respondents

Mr. Anudeep D. Sonar, Advocate for the Petitioners.
 Mr. A. G. Talhar, ASG for Respondent No. 2.
 Mr. D. S. Manorkar, Advocate for Respondent No. 3.

**AND
 WRIT PETITION NO. 3647 OF 2021**

Shashikant Badrilal Agrawal .. Petitioner

Versus

The National Highway Authority of India
 The Project Director,
 NHAI-PIU-Nashik and others .. Respondents

Mr. Anudeep D. Sonar, Advocate for the Petitioner.
 Mr. Amol Patale, Advocate for Respondent No. 2.
 Mr. D. S. Manorkar, Advocate for Respondent No. 3.

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

DATED : 02nd September, 2021.

PER COURT:-

. We have heard Mr. Sonar, learned counsel for the petitioners and

Mr. Manorkar, learned counsel for respondents.

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 2016. The application under Section 34 against the award passed by the Arbitrator is also filed in the year 2016. 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 (08) 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. Mr. Manorkar, learned counsel submits that the petitioners may not be allowed to withdraw the amount.

8. The respondents 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.

9. Writ petitions stand disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.