

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

(1) ARBITRATION APPLICATION NO.32 OF 2019

Sunil s/o Devidas Pawar

Applicant

Versus

The National Highway Authority of
India, Project Implementation Unit,
Solapur & others

Respondents

WITH

(2) ARBITRATION APPLICATION NO.33 OF 2019

Dagdu s/o Lobha Pawar

Applicant

Versus

The National Highway Authority of
India, Project Implementation Unit,
Solapur & others

Respondents

WITH

(3) ARBITRATION APPLICATION NO.34 OF 2019

Gautam s/o Limbaji Pawar

Applicant

Versus

The National Highway Authority of
India, Project Implementation Unit,
Solapur & others

Respondents

WITH

(4) ARBITRATION APPLICATION NO.35 OF 2019

Nanu s/o Laxman Pawar

Applicant

Versus

The National Highway Authority of

India, Project Implementation Unit,
Solapur & others

Respondents

WITH

(5) ARBITRATION APPLICATION NO.36 OF 2019

Lochanabai w/o Shriram Pawar

Applicant

Versus

The National Highway Authority of
India, Project Implementation Unit,
Solapur & others

Respondents

WITH

(6) ARBITRATION APPLICATION NO.37 OF 2019

Kisan s/o Chatru Pawar

Applicant

Versus

The National Highway Authority of
India, Project Implementation Unit,
Solapur & others

Respondents

Mr.Swapnil Tawshikar, advocate holding for Mr.V.Y.Patil, advocate
for the Applicant.

Mr.S.S.Ladda, advocate with Mr.S.S.Khivansara, advocate for
Respondent No.1.

CORAM : AVINASH G. GHAROTE, J.

DATE : 16th July, 2021.

PC :

1 Heard Mr.Tawshikar, learned Counsel for the
applicants and Mr.Sagar Ladda, learned Counsel for Respondent
No.1. None appears for Respondents No.2 and 3 though served.

2 The limited issue, which is being raised in the present group of matters, is the order of the Principal District Judge, Osmanabad, before whom the application under Section 34 of the Arbitration and Conciliation Act, challenging the award passed by the Arbitrator under Section 3-G (5) of the National Highways Act, 1956, was filed. Surprisingly, the office of the Principal District Judge raised an objection to the effect that the valuation was more than Rs.One crore and, therefore, the Principal District Judge would not have any jurisdiction. The learned Principal District Judge, was also of the same opinion as appears from perusal of the order dated 24.07.2019, which resulted, in the applicants, taking back the applications for presenting it before the competent court having jurisdiction, consequently, the same have been filed before this Court.

3 It is axiomatic to state that the question of valuation of an application under Section 34 of the Arbitration and Conciliation Act, for the purpose of determining the jurisdiction, does not arise as whatever be the value of the award or claim, the challenge to the same would lie before the Principal District Judge, in case such award is within the territorial limits of the Benches of the High

Court.

4 This being the position, the order dated 24.07.2019, cannot be sustained. The same is quashed and set aside and it is held, that the application, under Section 34 of the Arbitration and Conciliation Act, would lie before the Principal District Judge, Osmanabad. Since the impugned order is quashed and set aside, the learned Principal District Judge, Osmanabad, to register the applications under Section 34 of the Arbitration and Conciliation Act 1996, and decide them appropriately in consonance with law.

5 The applications are accordingly disposed of in above terms.

(AVINASH G. GHAROTE)
JUDGE

adb