

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

**ARBITRATION APPLICATION NO.01 OF 2019**

Nilkanth Laxman Ghodke & another

Applicants

Versus

The Project Director,  
National Highway Authority of India,  
Solapur & others

Respondents

**WITH  
ARBITRATION APPLICATION NO.02 OF 2019**

Tulshidas s/o Yadawrao Ghodake  
& others

Applicants

Versus

The Project Director,  
National Highway Authority of India,  
Solapur & others

Respondents

**WITH  
ARBITRATION APPLICATION NO.03 OF 2019**

Vasant s/o Kashinath Gudd

Applicant

Versus

The Project Director,  
National Highway Authority of India,  
Solapur & others

Respondents

**WITH  
ARBITRATION APPLICATION NO.04 OF 2019**

Mahadeo Nilkanth Langade

Applicant

Versus

The Project Director,  
National Highway Authority of India,  
Solapur & others

Respondents

Mr.R.V.Naiknavare, advocate for the applicants.  
Ms.Sudha Kulthe Chintamani, Standing Counsel for Union of  
India, for Respondents No.2 and 3.

**CORAM : AVINASH G. GHAROTE, J.**

**DATE : 07<sup>th</sup> July, 2021.**

**PC :**

1 All these matters, challenge the award dated 03.08.2018, passed in Arbitration Case No.2017/Arbitrator/NHAI/Osmanabad/CR-1434 passed under Section 3-G (5) of the National Highways Act, 1956. By way of sub-section (6) of Section 3-G of the National Highways Act, the provisions of the Arbitration and Conciliation Act, 1996 are applicable to the arbitration under the National Highways Act. It is, thus, evident that, the award passed by the Arbitrator under Section 3-G (5) of the National Highways Act, 1956 would be susceptible to challenge under Section 34 of the Arbitration and Conciliation Act, 1996, and can be entertained only by a Court, as defined in Section 2(1)(e) of the Arbitration and Conciliation Act, 1996, which is the principal Civil Court of original jurisdiction in the district. It is, thus, apparent that the present proceedings, which are under Section 34 of the Arbitration

and Conciliation Act, would lie before the District Judge, Osmanabad and not before this Court.

2           The Registry, is, therefore, directed to transmit these matters, to the Court of District Judge, Osmanabad, who, upon receipt of the matters, shall register them appropriately. The parties to appear before the District Judge, Osmanabad on 09<sup>th</sup> August, 2021, before which date, the Registry shall ensure transmission of the record in the present proceedings to the office of the District Judge, Osmanabad.

**(AVINASH G. GHAROTE)**  
**JUDGE**

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