

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

1 WRIT PETITION NO.896 OF 2022

**SAVITRIBAI HEMANT JAKHETE
VERSUS
THE UNION OF INDIA AND OTHERS**

AND

2 WRIT PETITION NO.897 OF 2022

**ASHOKKUMAR LAXMINARAYAN JAKHETE
VERSUS
THE UNION OF INDIA AND OTHERS**

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Advocate for Petitioner : Mr.Patil Vinod Prakash
ASG for Respondent Nos. 1 & 2-UI : Mr. Bhosle R.B.

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CORAM : SANDEEP V. MARNE, J.

DATE : 10.10.2022.

PER COURT :

1. By the present petitions the petitioners challenge order dated 09.03.2020 passed by the District Collector, Jalgaon, (Arbitrator) rejecting the petitioners' applications for correction, of the rate in the award. It is common ground that there is an alternative remedy available under Section 34 of the Arbitration and Conciliation Act, 1996 to the petitioners to challenge the order dated 09.03.2020.

2. Mr. Patil, learned Counsel appearing for the petitioners would submit that even though the alternative remedy for filing

petition under Section 34 of the Act, 1996 is available to the petitioners, they are unable to avail that remedy on account of the fact that the same would be barred by the limitation provided under Section 34 of the Act. It is for this reason Mr. Patil, submits that a direction be issued to the District Collector, Jalgaon, (Arbitrator) to correct the award under Section 152 of the C.P.C. I find this contention to be untenable.

3. When there is a specific provision for challenging the award under Section 34 of the Act, 1996, no direction can be given to the Arbitrator to correct the award under Section 152 of the C.P.C.

4. I, therefore, find that the petitions filed by the petitioners are not maintainable and the same are dismissed. However, the petitioners will have all remedies available as provided in law.

(SANDEEP V. MARNE)
JUDGE

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