

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

ARBITRATION APPEAL NO. 7 OF 2020

- 1) Shri Gurvindersingh Kripalsingh Bhatia,
Aged about 60 years,
Occupation – Business,
- 2) Shri Surendrasingh Kripalsingh Bhatia,
Aged about 52 years,
Occupation – Business,
- 3) Smt. Veena @ Biwi Gurvindersingh
Bhatia, Aged about 56 years,
Occupation – Business,

All R/o Indore (M.P).

.... **APPELLANTS**

VERSUS

- 1) Union of India,
Ministry of Road Transport & Highway
Department of Road Transport and
Highway Bhawan No.1, Parliament
Street, New Delhi.
- 2) Project Director,
National Highways Authority of India,
Ministry of Road Transport and Highway
Project Implementation Unit, Pandhurna
(M.P.) having its office at Bungalow No.2,
Shubhankar Apartment, Plot No.159,
Ambazari Hill Top, Ram Nagar,
Nagpur – 440033.
- 3) Land Acquisition Officer General,
Nagpur and competent authority for
acquisition of land for National Highway.

4) Additional Commissioner,
Nagpur and the Arbitrator under the
National Highways Act, having its
office at Old Secretariat Building,
Civil Lines, Nagpur – 440001.

.... **RESPONDENTS**

Mr. S.S. Sitani, Counsel for the appellants,
Mr. N. Deshpande, ASGI for respondent 1,
Mr. A.A. Kathane, Counsel for respondent 2,
Mr. N.R. Rode, AGP for respondents 3 and 4.

CORAM : ROHIT B. DEO, J.
DATED : 12th APRIL, 2022

ORAL JUDGMENT :

By judgment dated 12-4-2022 in Arbitration Appeal 32/2019, I have allowed the appeal preferred by the National Highway Authority of India (NHAI) challenging the order dated 15-4-2019 rendered by the learned Principal District Judge, Nagpur in Civil Miscellaneous Application 175/2017 whereby, while setting aside the award, the compensation was enhanced from Rs.1,350/- (Rupees One Thousand Three Hundred Fifty) per square meter to Rs.3,898/- (Three Thousand Eight Hundred Ninety Eight) per square meter. The order of the learned Principal District Judge was set aside in view of the settled position of law that modification of the award is impermissible in exercise of jurisdiction under Section 34 of the Arbitration and Conciliation Act, 1996 (Act). While allowing the appeal preferred by the NHAI, I have left the parties to take recourse to the remedies

available in law. The present appeal is preferred by the land owners challenging the very same order of the learned Principal District Judge, which I have set aside in Arbitration Appeal 32/2019. The land owners have preferred the present appeal seeking modification of the order of the learned Principal District Judge and for grant of additional compensation and interest.

2. Since I have already set aside the order of the learned Principal District judge in Civil Miscellaneous Application 175/2017, nothing survives in the present appeal, and the same is dismissed with liberty to the land owners to pursue the remedies available in law.

JUDGE

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