

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.651 of 2021

National Highway Authority of India represented through its Project Director,
Project Implementation Unit- Sasaram situated at Village and Post- Moresarai
(Near Satyam Service Centre), District- Rohtas, Sasaram (Bihar) 821113.

... .. Appellant

Versus

1. Sri Vijay Kumar Singh S/o Late Bhaiya Ajit Nath Singh Resident of Village
and P.O.- Deo, Anchal and P.S.- Madanpur, District- Aurangabad (Bihar).
2. The Arbitrator-cum-Additional Collector, Aurangabad.
3. The State of Bihar through the Competent Authority cum Deputy Collector
Land Reforms, Aurangabad.

... .. Respondents

Appearance :

For the Appellant

: Mr. (Dr.) K. N. Singh, ASG
Mr. (Dr.) Maurya Vijay Chandra, SC, NHA
Mr. Gaurav Govinda, Advocate
Mr. Rishav Ranjan, Advocate

For the Respondent No.1 :

Mr. J. S. Arora, Sr. Advocate
Mr. Manoj Kumar, Advocate
Mr. Dhananjay Kumar Tiwary, Advocate
Mr. Arun Kumar Bhagat, AC to AAG -12

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
CAV JUDGMENT

Date : 05-04-2023

The present Miscellaneous Appeal has been filed under
Section 37 of the Arbitration and Conciliation Act 1996
(hereinafter referred to as the 'Act of 1996') for the following
reliefs:-

“1. That the present Misc. Appeal is being filed for
setting aside the judgment dated 02.07.2021 passed by
the learned Additional District Judge VIII,
Aurangabad in Civil Misc. Application Case No. 79 of
2018 / 02 of 2021, whereby and where under the order
dated 14.02.2017 in L.A Case No. 102/2016-17 passed
by the Respondent No. 2 (Arbitrator-cum-Additional
Collector, Aurangabad) (Annexure-4) has been up-



held and the original award dt-30.11.2015 in L.A Case No. 58 (IX) of 2012-13 passed by the Respondent No.-3 (Competent Authority – Cum-CDLR, Aurangabad) (Annexue 3) has been set aside.

(ii) For setting aside the order dated 14.02.2017 in L.A Case No. 102/2016-17 passed by the Respondent no.-2 (Arbitrator-Cum-Additional Collector, Aurangabad) (Annexure-4) by which the original award dt-20-11-2015 has been directed to be modified in terms of the observations made therein.

(iii) For setting aside the Revised award dt-22-07-2021 passed by the Respondent no.-3 in pursuance of the order dt-02-07-2021 (Annexure-7) . As a result the amount of compensation has been increased from Rs. 88,77,420/- in terms of original award to Rs. 13,88,57,762/- according to the revised award for the same plot of land. This increase is more than 1500% only due to change in classification of land from agricultural to commercial.”

Brief Facts of the Case

2. The National Highways Authority of India (hereinafter referred to as the ‘NHAI’) was entrusted with the work of widening/six laning work of NH-2 (Aurangabad-Chordaha Section) in the district of Aurangabad. In connection with this work, an acquisition proceeding in respect of a piece of plot bearing no. 1461 khata No. 171 measuring area 0.3887 hectare in Village Madanpur Anchal-Madanpur, District-Aurangabad (Bihar) owned and possessed by the respondent no. 1 was initiated in accordance with the provisions of National



