

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

WRIT PETITION NO.6660 OF 2022

**VINOD SAHEBRAO PINGLE AND ANOTHER
VERSUS
NATIONAL HIGHWAY AUTHORITY OF INDIA THROUGH ITS PROJECT
DIRECTOR AND OTHERS**

...

Advocate for Petitioners : Mr. R.F. Totala i/b. Mr. Rahul Totala,
with Mr. Mohit R. Malpani
Adv.for Respondent Nos. 2,3 and 5: Mr. S.S. Deve.
Advocate for respondent No.1 : Mr. V.P. Deshmukh

**CORAM : MANGESH S. PATIL
& S.G. CHAPALGAONKAR, JJ.**

DATE : 16 FEBRUARY 2023

P.C.:-

1. Heard learned advocate Mr. Totala for the petitioner, learned advocate Mr. Deve for respondent Nos. 2,3 and 5 and Mr. V.P. Deshmukh for the respondent no.1.
2. The petitioner is seeking an innocuous prayer in a peculiar state of affairs.
3. The respondent No.4, who is an arbitrator under the National Highways Act had passed an award which has been set aside by the District court in a proceeding under Section 34 of the Arbitration and Conciliation Act, 1996.
4. Going by the reasoning assigned by the District court for setting aside the award, it was imperative that the respondent No.4

resumed the arbitration proceeding. It appears that, he is waiting for some instructions from the parties, as can be seen from the communication dated 17.6.2022 addressed to the petitioner's advocate by him.

5. We dispose of the writ petition by directing the petitioner as well as respondent Nos. 2 and 3 to appear before the Arbitrator on 3rd March 2023 and the learned arbitrator shall resume the arbitration proceedings.

[S.G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

grt/-