



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 WRIT PETITION NO. 6546 OF 2024

AALISHAN MOHAMMAD AYYUB
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

.....
Advocate for the Petitioner : Mr. Kulkarni Suniket Anil
AGP for the Respondents/State : Mr. D.B. Bhange
Advocate for the R/2 : Mr. R.R. Bangar
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CORAM : Y.G. KHOBRAGADE, J.
DATE : 18.09.2024

PC.:-

1. Heard advocate Mr. S.A. Kulkarni the learned counsel appearing for the Petitioner, Mr. Bhange the learned AGP for the Respondent No.1 and Mr. Bangar the learned counsel for the Respondent No.2 at length.
2. By the present petition the Petitioner has challenged the order dated 22.08.2022 passed by the Arbitrator, whereby the proceeding under the Arbitration and Conciliation Act 1996 has been disposed of under Section 25 (A) and 23 (1). The learned counsel appearing for the Petitioner canvassed that the Respondent No.2 passed the impugned order without considering the evidence available on record. The learned counsel appearing for the Petitioner further canvassed that the Respondent No.2-Competent Authority

did not provide sufficient opportunity to the Petitioner to file affidavit and for production of substantial documents in support of the claim for compensation.

3. Per contra, the learned AGP and the learned counsel appearing for the Respondent No.2 submit that on 24.05.2017 the Petitioner had instituted an appeal and since 08.09.2017 schedule of hearing was fixed, however, the Petitioner and his counsel failed to produce substantial documents and affidavits, though sufficient time was granted. So also, on 11.07.2022 the learned counsel for the Petitioner made a statement that there is no communication from the Petitioner. Therefore, the Respondent/Arbitrator passed the impugned order and disposed of the proceeding under Section 25(A) and 23(1) of the Arbitration and Conciliation Act, 1996.

4. Needless to say that the land of the Petitioner i.e. Plot No.112 out of Gut No.100/1/2 ad-measuring 62.50 sq.ft of village Awdhan, District Dhule has been acquired as per proceeding contemplated under Section 3A of the National Highways Act. The proceeding under the Arbitration and Conciliation Act was initiated. In appeal, the Petitioner prayed for enhancement of compensation, however, the Petitioner failed to produce the documentary evidence in support of his claim and fail to file affidavit for considerable period. The impugned order appears self explanatory that

though since 08.09.2017 hearing was completed and the Petitioner sought time for filing of affidavit but no affidavit has been filed since then. Ultimately, on 22.08.2022 the impugned order was passed by the Arbitrator which does not appear to be illegal, bad in law. Therefore, no interference is called at the hands of this Court, hence this petition is dismissed.

[Y.G. KHOBRAGADE, J.]