

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3451 OF 2024

Rajinder Kaur Hardit Singh Malhotra And Ors. ...Petitioners

Versus

State Of Maharashtra And Ors. ...Respondents

Mr. Amrita Kharkar i/b. P.H. Potnis, for Petitioners.

Mr. V.M. Mali, for Respondent/State.

CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.

DATE : 12 MARCH 2024

P.C.:

. Heard learned counsel for the Petitioners. An Award under the National Highways Act, 1956 ("said Act" for short) is already rendered. If the Petitioners have a grievance regarding the Award, they have remedy to agitate the issue under section 3G(5) and (6) of the said Act read with section 34 of the Arbitration and Conciliation Act, 1996. The Petitioners seek a writ of Mandamus to Respondent/ Authority to pay the amount already decided under the Award, which is in essence execution of the Award in light of the decision of the Hon'ble Supreme Court in the case of *National Highways Authority of India Vs. Sheetal Jaidev Vade & Ors.*¹, where the Hon'ble Supreme Court has disapproved of the entertaining of such

1 Civil Appeal No. 5256 of 2022

writ petitions under Article 226 of the Constitution of India to execute the award passed by the learned Arbitral Tribunal/Court, without relegating the judgment creditor in whose favour the award is passed to file an execution proceeding before the competent Executing Court. In light thereof, we are not inclined to issue such a writ. It is open to the Petitioners to take such steps as provided under law, for execution/ challenge of the Award rendered.

2. Writ petition is accordingly rejected.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)