

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 18104 OF 2024

Shankar Shahu Keware – Patil
Prop. of Anand Enterprises

...Petitioner

Versus

National Highways Authority of India
Through its Chairman And Ors.

...Respondents

Mr. S. B. Talekar i/b Mr. Suresh M. Sabrad and Mr. Amey C. Sawant for the
Petitioner.

Ms. Riya Jariwala (Through VC) a/w Mr. Adesh Jadhav i/b Mr. Sagar Ladda for
Repondent No. 1-NHAI.

Mr. A. I. Patel, Addl.G.P. a/w Ms. M. S. Bane, AGP for the State-Respondent
No. 3.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 13 DECEMBER 2024

P.C.:

1. The grievance of the Petitioner is that in view of the acquisition of land in question by the National Highways Authority of India (“**NHAI**”), the Petitioner would not be in a position to utilize the land where the manufacturing unit of the Petitioner is situated. It is therefore the Petitioner’s case that, in these circumstances, the provisions of Section 3-G(7)(d) of the National Highways Act, 1956 (“**the Act**”) stand attracted. It is contended that such provisions are not taken into consideration, and the compensation has not been awarded to the Petitioner in the award in question.

2. In support of this case of the Petitioner, Mr. Talekar has placed

reliance on the report of the competent authority dated 4 March 2024 as addressed to the Project Director of the NHAI, wherein such grievances of the Petitioner and the factual position that the Petitioner would not be in a position to conduct its manufacturing activities in the premises, has been raised.

3. It is the Petitioner's case that it is manufacturing several critical components, which are being provided to ISRO, BARC, DRDO, etc. It is Mr. Talekar's submission that necessarily the Petitioner would be required to discontinue the manufacturing activities at the existing unit, which is seriously affected in view of the land acquisition as undertaken by the NHAI, and shift the same to other suitable place. The Petitioner would be required to be compensated as per the provisions of Section 3-G(7)(d) of the Act. It is also Mr. Talekar's submission that as there is no award, it is not a situation that Sub-section (5) of Section 3-G of the Act is attracted so that the dispute can be referred to the Arbitrator.

4. Let the learned Advocate for NHAI take instructions on the contentions raised on behalf of the Petitioner and Reply-Affidavit of the Petitioner be also placed on record to enable NHAI to do so.

5. Stand over to **9 January 2025**.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]

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