



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ARBITRATION APPEAL NO. 124 OF 2020
WITH
CIVIL APPLICATION NO. 6438 OF 2020 IN ARBA/124/2020

National Highways Authority Of India
Project Implementation Unit,
Nanded, Represented by its:
Project Director and
General Managar (Tech.)
Sunil V. Patil
Age- Major, Occ- Service,
Office Address at,
Bharadwaj, Venkatadri Nagar,
Near Ayodhya Nagari, Malegaon Road,
Ratoda Khurd, Nanded 431605

...Applicant
/Org. Respondent

VERSUS

Ramrao Sakharam Wadkute and Another

...

Mr. D. S. Manorkar, Advocate for Appellant.
Mr. V. M. Chate, AGP for Respondent No. 2
Mr. Prashant R. Katneshwarkar, Senior Advocate i/b. Mr. Rahil Kazi,
Advocates for Respondent No. 1

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CORAM : ROHIT W. JOSHI, J.

DATED : 11th JULY 2025

ORAL JUDGEMENT :-

1. It is undisputed that the appellant, who is acquiring body was not made a party to the arbitration proceedings. The Arbitration proceedings under Section 3G(5) of National Highways Act, 1956 is

decided without notice and hearing to the acquiring body.

2. In view of the aforesaid, the acquiring body challenged the awards dated 29.05.2019 and 29.07.2019 by filing an application challenging the same under Section 34 of the Arbitration And Conciliation Act, 1996 (for short “**the said Act**”). The learned Principal District Judge, Parbhani has dismissed the 34 proceedings vide judgment and order dated 18.03.2020. The learned Principal District Judge, Parbhani has recorded in paragraph 8 of the judgment that one Adv. Mundhe had signed *Roznama* in the arbitration proceedings on 19.09.2018, which indicated that appellant was aware about the arbitration proceedings initiated by land-owners. The Principal District Judge, Parbhani also refers to affidavit filed by Adv. Mundhe stating that he was not instructed by the appellant to appear in the arbitration proceedings. The reason recorded by the learned Principal District Judge, Parbhani gives an inference that the appellant was aware about the pending arbitration proceedings, however, it is not in dispute that the appellant was not made a party in the arbitration proceedings filed by the land-owners.

3. Perusal of the award will indicate that the State was arrayed as

respondent/sole through the Competent Authority. In view of undisputed factual position that the acquiring body-appellant was not party to the arbitration proceedings, the awards dated 29.05.2019 and 29.07.2019 are required to be quashed. The learned Principal District Judge, Parbhani has erred in not taking into consideration factual aspect of the matter while dismissing the Civil Miscellaneous Appeal No.139 of 2019 filed by the acquiring body under Section 34 of the said Act.

4. In view of the above, the appeal is allowed with the following terms:-

- i. Judgment and order dated 19.03.2020 passed by the Principal District Judge, Parbhani in Civil Miscellaneous Appeal No.139 of 2019 is quashed and set aside.
- ii. Civil Miscellaneous Appeal No.139 of 2019 is allowed by quashing and setting aside awards in Land Appeal Case Number 1/2018-19 dated 29.05.2019 and Land Appeal Case Number 1/2018-19/959 dated 29.07.2019 passed by the Collector, Hingoli as sole arbitrator under the National Highways Act, 1956.
- iii. The proceedings are remitted to the learned

Arbitrator for adjudication of the arbitration proceedings afresh. The appellant will be arrayed as respondent no.2 in the arbitration proceedings. The parties will appear before the learned Arbitrator on 01.08.2025 for which separate notice will not be issued.

iv. Since the acquisition appears to be of the year 2016, the learned Arbitrator is directed to decide the arbitration proceedings as expeditiously as possible and in any case before 31.12.2025.

5. Arbitration Appeal is disposed of accordingly.

6. Pending Civil Applications, if any, stand disposed of accordingly.

[ROHIT W. JOSHI, J.]