



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5849 OF 2025
IN ARBA/7/2025

Naresh Hundomal Nagdev And Anr

VERSUS

National Highway Authority Of India Through Shivaji
Vasant Pawar And Anr

WITH CIVIL APPLICATION NO. 5858 OF 2025
IN ARBA/11/2025

Rajiv Mohanlal Agrawal And Others

VERSUS

National Highways Authority Of India Through Shivaji
Vasant Pawar And Anr

WITH CIVIL APPLICATION NO. 5853 OF 2025
IN ARBA/15/2025

Ramakant Narayan Agrwal And Anr

VERSUS

National Highways Authority Of India Through Shivaji
Vasant Pawar And Anr

WITH CIVIL APPLICATION NO. 5855 OF 2025
IN ARBA/14/2025

Dhondu Harchand Bhil Dead Through Its Lrs Kashinath
Dhondu Bhil

VERSUS

National Highways Authority Of India Through Shivaji
Vasant Pawar And Anr

WITH CIVIL APPLICATION NO. 5869 OF 2025
IN ARBA/13/2025

Sandeep Mansukhlal Shah And Others

VERSUS

National Highways Authority Of India Through Shivaji
Vasant Pawar And Anr

WITH CIVIL APPLICATION NO. 5851 OF 2025
IN ARBA/8/2025

Gokul Vitthal Khairnar And Others
VERSUS
National Highways Authority Of India Thru. Project
Director Shivaji Vasant Pawar And Anr.

WITH CIVIL APPLICATION NO. 5856 OF 2025
IN ARBA/10/2025

Pravin Nimba Patil And Others
VERSUS
National Highways Authority Of India Through Shivaji
Vasant Pawar And Others

WITH CIVIL APPLICATION (STAMP) NO. 32100 OF 2025
IN ARBA/24/2025

Nawab Mehbub Khatik And Another
VERSUS
National Highways Authority Of India And Others
...
Mr. Mukul Kulkarni h/f Mr. D. D. Pande, Advocate for
Applicants
Mr. S. J. Rahate, Advocate for Respondent No. 1 (VC)

CORAM : R. M. JOSHI, J
DATE : OCTOBER 17, 2025

COMMON ORDER :

1. These Applications are for withdrawal of the amount deposited by the Original Appellant – National Highways Authority pursuant to awards dated 09.03.2022, 24.05.2022, 06.09.2022 & 30.09.2022 respectively passed in these proceedings.

2. Applicants/Original Respondents has drawn

attention of the Court to the fact that by notification dated 11.11.2011 under Section 3 of the National Highways Act, 1956 (for short '**the Act**') the lands from 14 villages were acquired. It is his submission that in respect of all these 14 villages, arbitration proceedings were initiated, wherein sale deed from village Mhasave dated 31.12.2010 was relied upon by the Arbitrator for determination of compensation. A solemn statement is made that in respect of 12 villages, National Highway has satisfied the award. It is thus contention of the learned Counsel for the Applicant that in respect of remaining 2 villages, it would not have been open for the National Highway to take exception to the award, more particularly, in view of the fact that it has been passed on the basis of same sale deed relied upon in award passed in case of other 12 villages.

3. Learned Counsel for the National Highways resisted the applications but does not dispute fact of awards in respect of 12 villages being satisfied. It is his submission that in one of the applications, the affidavit of evidence is apparently seems to have been

filed after the date of award. It is his submission that in such circumstances the Respondents cannot be permitted to withdraw the amount as sought.

4. *Prima facie* there seems no dispute with regard to the fact that the lands from 14 villages came to be acquired and a common notification was issued under Section 3 of the Act dated 11.11.2011. Further, there is no denial of the fact that in respect of 14 villages different arbitration proceedings were initiated. In all these proceedings, sale deed dated 31.12.2010 pertaining to village Mhasave came to be relied upon as comparable sale instance. Further the National Highways Authority has accepted the awards in respect of 12 villages but for 2 villages in respect for which present Appeals are filed.

5. This Court apparently finds substance in the contention of learned Counsel for Applicants/Original Respondents that even if after accepting contention of Appellant about irregularities in arbitration proceedings the award is set aside, the only option available for the parties is to go again before the Arbitrator and to file very same sale deed dated

31.12.2010 and on doing so, there would not be any option for the Arbitrator to pass the same award. This Court also find force in the contention sought to be raised by the learned Counsel for the Applicants that even if the award is set aside, the proceedings will have to be relegated back to Arbitrator for decision afresh and even in such case, the Applicants would not be at loss, as they would get statutory interest.

6. *Prima facie* this Court is of the view that it may be difficult for the National Highways Authority to resist awards impugned in view of the fact that in respect of 12 out of 14 villages, the arbitral award passed on the basis of the same sale deed has been accepted. In fact, it would be for the Appellant to take a call on the arguments advanced on behalf of Applicants/Claimants.

7. Having regard to these facts, this Court is of the view that this is a fit case to allow the Applications partly. In the result, the Applications are allowed accordingly. Applicants are permitted to withdraw 75% amount deposited in this Court along with interest accrued. Out of which, 50% amount shall be

withdrawn on usual undertaking and 25% amount on solvent surety in the like amount to the satisfaction of Registrar (Judicial).

8. Applications stand disposed of in above terms.

(R. M. JOSHI, J.)