



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**940 CIVIL APPLICATION NO. 13279 OF 2023
IN ARBAST/32565/2023**

Omprakash Sitaram Agrawal And Others
VERSUS
National Highway Authority Of India And Another

...
Mr. V. P. Patil, Advocate for Applicants
Mr. B. B. Bhise, AGP for Respondent no.2
Mr. D. S. Manorkar, Advocate for Respondent no.1

**AND
941 CIVIL APPLICATION NO. 13280 OF 2023
IN ARBAST/32686/2023**

Liladevi Sajjan Salecha And Another
VERSUS
National Highway Authority Of India

...
Mr. V. P. Patil, Advocate for Applicants
Mr. V. M. Chate, AGP for Respondent-State
Mr. D. S. Manorkar, Advocate for Respondent no.1

**AND
942 CIVIL APPLICATION NO. 13281 OF 2023
IN ARBAST/34210/2023**

Bharti Satish Bhole
VERSUS
National Highway Authority Of India Project Jalgaon And
Another

...
Mr. V. P. Patil, Advocate for Applicant
Mr. R. D. Raut, AGP for Respondent-State
Mr. D. S. Manorkar, Advocate for Respondent no.1

.....

**CORAM : ROHIT W. JOSHI, J.
DATED : 08TH AUGUST, 2025**

ORDER :-

. The land owners, whose lands are acquired by the respondent no.1, under provisions of the National Highways Act, 1956 have filed the present appeals being aggrieved by the amount of compensation determined by the Arbitral Tribunal, which in turn is affirmed by the learned Principal District Judge, by rejecting Section 34 proceedings filed by the land owners.

2. There is delay of 434, 426 and 430 days respectively in filing of the appeals.

3. Applicants have stated that the case papers were lying with their Advocate, who was at Jalgaon. It is stated that the Advocate had advised the applicants that it will be better that if he accompanied applicants to the Advocate for the purpose of filing appeals. It is stated that the said Advocate could not act promptly and because the papers were lying with the Advocate, they were not in a position to take steps for filing appeals within the prescribed period of limitation.

4. Mr. Manorkar, learned Advocate for the respondent/NHAI strongly opposes the applications, he contends that no plausible reason is assigned for condonation

of inordinate delay of about one year. He has placed strong reliance on judgment of the Hon'ble Supreme Court in the matter of ***Government of Maharashtra Vs. M/s Borse Brothers Engineers & Contractors Pvt. Ltd.***, reported in ***(2021) 6 SCC 460***, wherein referring to the provisions of the Arbitration Act and Commercial Courts Act, the Hon'ble Supreme Court has held that delay beyond 120 days cannot be condoned in appeals arising out of commercial disputes under Section 13(1) of the Commercial Courts Act, 2015. The dispute in present appeals although arising out of Arbitration Act pertains to payment of just and fair compensation for compulsory acquisition of land, the dispute is not a commercial dispute. In the considered opinion of this Court, the ratio of judgments of the Hon'ble Supreme Court in the matter of ***Imrat Lal Vs. Land Acquisition Collector***, reported in ***(2014) 14 SCC 133***, ***Nelatur Sampooramma Vs. Special Deputy Collector, L.A. Telugu Ganga Project, Podalakur at Nellore, Andhra Pradesh and Ors***, reported in ***(2017) 12 SCC 840*** and several such judgments should be followed in the present case.

5. Although, the reason by the applicants does not appear

to be convincing, having regard to the fact that the matter pertains to acquisition of land, in the considered opinion of this Court, it will be expedient to condone the delay on the condition that in the event, the compensation is enhanced, the applicants will not be entitled for interest on the enhanced amount of compensation for the period of delay. It is ordered accordingly. The Civil Applications stand disposed of.

ARBITRATION APPEAL (ST) NO.32565 OF 2023
ARBITRATION APPEAL (ST) NO.32686 OF 2023
ARBITRATION APPEAL (ST) NO.34210 OF 2023

. Issue notice to respondents returnable on 10.09.2025.

Mr. Manorkar, learned Advocate waives service of notice for respondent no.1.

2. List the Appeals for final hearing at admission stage.

3. Call Record and Proceedings.

4. Office to ensure that Record and Proceedings are received before the next date, since the appeals are to be heard finally at admission stage.

(ROHIT W. JOSHI, J.)