

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**ARBITRATION APPEAL (ST) NO. 20305 OF 2024
WITH
INTERIM APPLICATION NO. 10968 OF 2024**

Virendra Shamji Patel	}	Appellant
versus		
Deputy Collector/Competent	}	
Authority/Sub-Assistant Collector	}	
Land Acquisition, Surya Project-	}	
Prakalp & Ors.	}	Respondents

Mr. Nitin Gangal with Ms. Prapti Karkera
i/b. Ms. Namits Mestry for appellant.

Ms. Dikshita Gupte with Ms. Prasanna
Gupte for respondent no. 2.

**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE: JUNE 13, 2025

ORDER: (Per Chief Justice)

- 1.** Heard learned counsel for the parties.
- 2.** Rule. Rule is made returnable forthwith. With consent of learned counsel for the parties, Heard finally.
- 3.** This appeal under section 37 of the Arbitration and Conciliation Act, 1996 has been filed against the judgement dated 2nd March 2024, by which, the objection preferred by the respondent no. 2-Corporation under section 34 of the Arbitration and Conciliation Act, 1996 has been dismissed.
- 4.** Facts giving rise to filing of this appeal, in nutshell, are that the respondent no 2, viz., Dedicated Freight Corridor

Corporation of India Ltd. (hereinafter referred to as "the Corporation") is a Corporation established by the Union of India, Ministry of Railways to undertake planning and development, mobilization of financial resources and construction, maintenance and operation of dedicated freight corridors (special railway projects). The Corporation, for the purpose of its project, needed land from village Saphale, Taluka and District Palghar under the provisions of the Railways Act, 1989. Therefore, proceedings under section 20-A of the Railways Act, as amended in the year 2008 were initiated and preliminary notification was issued on 26th May 2015 qua land bearing Survey No. 9(P) admeasuring 0.37.17 hectares situated at village Saphale, Taluka and District Palghar (hereinafter referred to as "the subject land") and final award dated 19th May 2017 was passed, by which, compensation was fixed at the rate of Rs.2,362/- per square meter.

5. Being dissatisfied with the quantum of compensation, the appellant invoked the provisions of section 20-F(6) of the Railways Amendment Act, 2008. The Arbitral Tribunal, thereupon, passed an award on 18th January 2021 in Arbitration Petition No. 135 of 2018, by which, amount of compensation was enhanced at Rs.6,300/- per square meter.

6. The acquiring authority, namely, the Corporation filed a petition under section 34 of the Arbitration and Conciliation Act, 1996. The learned District Judge dismissed the petition preferred by the respondent Corporation under section 34 of the Arbitration and Conciliation Act, 1996 on 2nd March 2024.

7. Learned counsel for the appellant submits that the Arbitral Tribunal vide award dated 18th January 2021 entitled the appellant for enhancement of compensation. However, the appellant is also entitled for interest as provided under section 20(H) (5) of the Railways Amendment Act, 2008.

8. We have heard learned counsel for the appellant at length.

9. From a perusal of the record, it is evident that the appellant did not file any petition against the award dated 18th January 2021 passed by the Arbitral Tribunal and therefore, the appellant has no locus to challenge the order dated 2nd March 2024 passed by the learned District Judge dismissing the petition filed by the Corporation under section 34 of the Arbitration and Conciliation Act.

10. An appeal under section 37 of the Arbitration and Conciliation Act, 1996 at the instance of the appellant is not maintainable. However, reserving liberty to the appellant to take recourse to such remedy as may be available in law, the instant appeal is disposed of.

11. The interim application also stands disposed of accordingly.

JAYANT
VISHWANATH
SALUNKE

Digitally signed by
JAYANT VISHWANATH
SALUNKE
Date: 2025.06.13
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(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)