



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.970/2025

**The Project Director, National Highway Authority of India Vs. Sandip
s/o Premchand Chajed and another**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr. Anish A. Kathane, Advocate for Petitioner
Mr. J.B. Kasat, Advocate for Respondent No.1
Mrs. H.N. Prabhu, AGP for Respondent No.2

CORAM: NIVEDITA P. MEHTA, J.

DATED : 11th NOVEMBER, 2025

1. The petitioner has approached this Court aggrieved by the order dated 31.08.2024, passed by the 4th Joint Civil Judge, Senior Division, Yavatmal in Execution Arbitration Darkhast No. 1283/2019, whereby a warrant of attachment of property was issued against the petitioner and the competent authority of the Land Acquisition Officer. This Court, upon earlier consideration, had stayed the said order on the condition that the petitioner deposit the admitted amount before this Court. The petitioner has complied with the said condition and deposited the admitted amount accordingly.

2. During the hearing before this Court, Mr. Kasat, learned counsel for respondent No. 1, submitted that he may be permitted to withdraw the admitted amount deposited by the petitioner and that the matter may be relegated back to the Executing Court for further consideration.

3. The learned counsel for the appellant Mr. Kathane, submitted that the Arbitral Award passed by the Arbitrator has attained finality, as neither the petitioner nor the respondent has challenged the same.

4. Upon hearing the respective counsel, this Court is of the view that the matter can be remanded to the Executing Court for further consideration. Both parties are permitted to raise their respective objections before the Executing Court, which shall adjudicate the same strictly in accordance with law.

5. The Executing Court is directed to decide Arbitration Darkhast No. 1283/2019 within a period of three months from the date of receipt of this order.

6. Consequently, the impugned order dated 31.08.2024, passed by the 4th Joint Civil Judge, Senior Division, Yavatmal, in Arbitration R.D. No. 1283/2019 below Exh.1 (Annexure No. 4) and show cause notice under Order 21 Rule 37 of CPC dated 24.1.2025 for arrest of the concerned officer of petitioner authority, issued by 4th Jt. Civil Judge, Senior Division, Yavatmal (Annexure 6) are hereby quashed and set aside.

7. The respondent No. 1 is permitted to withdraw the admitted amount deposited by the petitioner in this Court.

In view of the above, the writ petition is partly allowed and disposed of.

(NIVEDITA P. MEHTA, J.)