



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

ARBITRATION APPEAL NO. 08 OF 2024
WITH
ARBITRATION APPEAL NO. 13 OF 2024
WITH
ARBITRATION APPEAL NO. 14 OF 2024
WITH
ARBITRATION APPEAL NO. 20 OF 2024
WITH
ARBITRATION APPEAL NO. 22 OF 2024
WITH
ARBITRATION APPEAL NO. 23 OF 2024
WITH
ARBITRATION APPEAL NO. 29 OF 2024
WITH
ARBITRATION APPEAL NO. 32 OF 2024
WITH
ARBITRATION APPEAL NO. 37 OF 2024
WITH
ARBITRATION APPEAL NO. 09 OF 2024

ARBITRATION APPEAL NO. 08 OF 2024

Nursahar Shakil Ahmed
Through Power of Attorney Holder
Shakil Ahmad Khan Gulam Mohammad Khan,
Aged about 58 years, Occ.- Farmer,
R/o. Flat No.302, Gajanan Building,
Hingna Road, Nagpur – 440001.

.... **APPELLANT**

// **VERSUS** //

- 1) Competent Authority (Land Acquisition)
National Highway No.6 and
Special Land Acquisition Officer,
Balapur, Dist. Akola 444 302.
- 2) Project Director,
National Highway Authority of India,
Project Implementation Unit-Amaravati,
Plot No.33, Opp. Maharashtra Bank,
Sai Nagar, Badnera, Amravati 444607.

.... **RESPONDENTS**

WITH**ARBITRATION APPEAL NO. 13 OF 2024**

- 1) Sajid Iqbal Shekh Mehmood,
Aged about 35 years, Occ.- Farmer,
- 2) Saeed Iqbal Sheikh Mehmood,
Aged about 27 years, Occ.- Farmer,
- 3) Hoorbano Shekh Mehmood,
Aged about 55 years, Occ.- Farmer,
- 4) Arshiyabano Shekh Mehmood,
Aged about 25 years, Occ.- Farmer,
- 5) Nazmeen Parveen Shekh Asad,
Aged about 25 years, Occ.- Farmer,

All R/o. Shoeib Colony, Balapur,
Tq. Balapur, Dist. Akola 444501.

.... **APPELLANTS**

// VERSUS //

- 1) Competent Authority (Land Acquisition)
National Highway No.6 and
Special Land Acquisition Officer,
Balapur, Dist. Akola 444 302.
- 2) Project Director,
National Highway Authority of India,
Project Implementation Unit-Amaravati,
Plot No.33, Opp. Maharashtra Bank,
Sai Nagar, Badnera, Amravati 444607.

.... **RESPONDENTS**

WITH**ARBITRATION APPEAL NO. 14 OF 2024**

Abdul Sagir Abdul Zaheer,
Aged about 47 years, Occ.- Farmer,
R/o. Sayyadpura, Balapur,
Tq. Balapur, Distt. Akola-444302.

.... **APPELLANT**

// VERSUS //

- 1) Competent Authority (Land Acquisition)
National Highway No.6 and
Special Land Acquisition Officer,
Balapur, Dist. Akola 444 302.
- 2) Project Director,
National Highway Authority of India,
Project Implementation Unit-Amaravati,
Plot No.33, Opp. Maharashtra Bank,
Sai Nagar, Badnera, Amravati 444607.

.... RESPONDENTS

WITH

ARBITRATION APPEAL NO. 20 OF 2024

Ismail Abedali Najmi,
Aged about 58 years, Occ.- Farmer,
R/o. Najme House, Khangar Pura,
Akola, Tq. & Dist. Akola-444001.

.... APPELLANT

// VERSUS //

- 1) Competent Authority (Land Acquisition)
National Highway No.6 and
Special Land Acquisition Officer,
Balapur, Dist. Akola 444 302.
- 2) Project Director,
National Highway Authority of India,
Project Implementation Unit-Amaravati,
Plot No.33, Opp. Maharashtra Bank,
Sai Nagar, Badnera, Amravati 444607.

.... RESPONDENTS

WITH

ARBITRATION APPEAL NO. 22 OF 2024

Ashok Vishnudas Dharamthok,
Aged about 60 years, Occ.- Farmer,
R/o. Juni Chawdi, Balapur,
Dist. Akola 444302.

.... APPELLANT

// VERSUS //

- 1) Competent Authority (Land Acquisition)
National Highway No.6 and
Special Land Acquisition Officer,
Balapur, Dist. Akola 444 302.
- 2) Project Director,
National Highway Authority of India,
Project Implementation Unit-Amaravati,
Plot No.33, Opp. Maharashtra Bank,
Sai Nagar, Badnera, Amravati 444607. **RESPONDENTS**

WITH

ARBITRATION APPEAL NO. 23 OF 2024

Murlidhar Pralhad Raut,
Aged about 47 years, Occ.- Farmer,
R/o. Hotel Maratha, Shelad Fata,
Balapur, Dist. Akola-444501. **APPELLANT**

// VERSUS //

- 1) Competent Authority (Land Acquisition)
National Highway No.6 and
Special Land Acquisition Officer,
Balapur, Dist. Akola 444 302.
- 2) Project Director,
National Highway Authority of India,
Project Implementation Unit-Amaravati,
Plot No.33, Opp. Maharashtra Bank,
Sai Nagar, Badnera, Amravati 444607. **RESPONDENTS**

WITH

ARBITRATION APPEAL NO. 29 OF 2024

Arshiya Nusrat Khalil Ahmed,
Aged about 48 years, Occ.- Farmer,
R/o. Flat No.15, 3rd Floom, Deepak
Chowk, Akola, Tq. & Dist. Akola-444001. **APPELLANT**

// VERSUS //

- 1) Competent Authority (Land Acquisition)
National Highway No.6 and
Special Land Acquisition Officer,
Balapur, Dist. Akola 444 302.
- 2) Project Director,
National Highway Authority of India,
Project Implementation Unit-Amaravati,
Plot No.33, Opp. Maharashtra Bank,
Sai Nagar, Badnera, Amravati 444607. **RESPONDENTS**

WITH

ARBITRATION APPEAL NO. 32 OF 2024

Mohammad Zafar Mohhomad Kasam,
Aged about 37 years, Occ.- Farmer,
R/o. Gulshan Colony, Tq. Balapur,
Dist. Akola-444302. **APPELLANT**

// VERSUS //

- 1) Competent Authority (Land Acquisition)
National Highway No.6 and
Special Land Acquisition Officer,
Balapur, Dist. Akola 444 302.
- 2) Project Director,
National Highway Authority of India,
Project Implementation Unit-Amaravati,
Plot No.33, Opp. Maharashtra Bank,
Sai Nagar, Badnera, Amravati 444607. **RESPONDENTS**

WITH

ARBITRATION APPEAL NO. 37 OF 2024

Aashiya Nusrat Khalid Ahmed,
Aged about 46 years, Occ.- Farmer,
R/o. Flat No.15, 3rd Floor, Deepk Chowk,
Akola, Tq. & Dist. Akola-444001. **APPELLANT**

// VERSUS //

- 1) Competent Authority (Land Acquisition)
National Highway No.6 and

Special Land Acquisition Officer,
Balapur, Dist. Akola 444 302.

- 2) Project Director,
National Highway Authority of India,
Project Implementation Unit-Amaravati,
Plot No.33, Opp. Maharashtra Bank,
Sai Nagar, Badnera, Amravati 444607. RESPONDENTS

WITH

ARBITRATION APPEAL NO. 09 OF 2024

Javed Ahmed Shekh Mahmood,
Aged about 53 years, Occ.- Farmer,
R/o. Telipura Chowk, Akola,
Tq. & Dist. Akola-444001. APPELLANT

// VERSUS //

- 1) Competent Authority (Land Acquisition)
National Highway No.6 and
Special Land Acquisition Officer,
Balapur, Dist. Akola 444 302.
- 2) Project Director,
National Highway Authority of India,
Project Implementation Unit-Amaravati,
Plot No.33, Opp. Maharashtra Bank,
Sai Nagar, Badnera, Amravati 444607. RESPONDENTS

Mr. Ranjeet Singh Gahilot, Advocate for Appellants in all Appeals.

Mr. S. C. Joshi, Assistant Government Pleader for Respondent/State.

Mr. Anish A. Kathane, Advocate for Respondent No.2 in all Appeals.

CORAM : SMT. M.S. JAWALKAR, J.

DATE ON RESERVING THE JUDGMENT : 05.03.2025.

DATE ON PRONOUNCING THE JUDGMENT : 16.04.2025.

COMMON JUDGMENT :

1. **ADMIT.** Heard finally with the consent of the learned Counsel appearing for the parties.

2. As all the Appeals are involving a similar issue, they are taken up together for decision. Writ Petition No.08/2024 is taken as lead case for consideration of facts and other material.

3. Present Appellant is challenging the order passed by Principal District Judge, Akola dated 21.03.2023 Below Exhibit-17 in Civil M. A.(Arb) No.82/2021, which was filed by the present Appellant and Below Exhibit-27 in Civil M. A. (Arb) No.75/2022, which was filed by the Competent Authority, thereby allowed the application under Section 34 of the Arbitration and Conciliation Act, 1996 (for short the “A & C Act”) filed by the Respondent No.2/NHAI in Civil M.A. No.75/2022 and dismissed the application under Section 34 of the A & C Act filed by the present Appellant Civil M. A. No.82/2021 and setting aside the additional Award passed on 27.11.2020 by Respondent No.1.

Facts in nutshell are as under :

4. The Ministry of Road Transport and Highways had published a Notification dated 25.11.2011 under Section 3-A of

the National Highways Act, 1956 (for short the “NH Act”) for compulsory acquisition of the lands required for widening of National Highway No.6. It was published in the Official Gazettee on 07.06.2012. The land bearing Gat No.7, admeasuring 1300 Sq. Mtr. situated at village Babhulkhed, Taluka Balapur, District Akola owned by the Appellant was notified for Compulsory Acquisition. The Sub Divisional Officer, Balapur was declared as Competent Authority Land Acquisition (CALA). The Competent Authority had issued the final Notification under Section 3-D of the NH Act on 30.10.2012 in respect of the acquired land and after its publication, an Award for determination of compensation under Section 3-G(1) of the NH Act was passed on 30.03.2013 and amount of Rs.1,18,872/- came to be awarded to the Appellant.

5. The said Award was challenged by the Appellant under Section 3-G (5) of the NH Act to get the compensation determined through Arbitrator and for enhancing the compensation amount and various grounds were raised by the Appellant. As per of scheme of NH Act, the Central Government appoints the Arbitrator by issuing a Notification in official Gazette and accordingly, Additional Collector, Akola was appointed as an

Arbitrator for the acquisitions made in the District of Akola for National Highways.

6. It is the contention of the Appellant that learned Arbitrator had partly allowed the application filed by the Applicant in terms of prayer clause 4(b) and 4(c) only and rejected all other prayers of Appellant without providing any reason for the same vide order dated 03.08.2019. As there were multiple claims which were raised during the arbitration proceedings, which was omitted by the learned Arbitrator in the Arbitral Award therefore, application under Section 33(4) for passing an Additional Award read with Section 33(1) of the A & C Act was filed by the Appellant in respect of such claims. The said application filed by the Appellant came to be allowed by the learned Arbitrator and an Additional Arbitral Award was passed under Section 33(4) of the A & C Act and thereby the Arbitrator awarded compensation amount of Rs.650/- per Sq.Mtr. based on ready-reckoner of "Lands on Highway" along with an amount at the rate of 10% as statutory easement rights on the enhanced compensation was granted and other claims raised by the Appellant were rejected. The said Award was challenged by the

Appellant in Misc. Civil Application No.82/2021 under Section 34 of the A & C Act, praying for resumption of arbitral proceedings and passing rectification award for unanswered claims. The Respondent NHAI also challenged the arbitral proceedings by filing Appeal under Section 34 of the A & C Act and made a specific prayer to set aside only the Additional Award dated 27.11.2020.

7. The contention of the Appellant is that NHAI did not pray for setting aside the entire arbitral award. Both the applications filed by the Appellant and Respondent NHAI were tagged together and they were decided by a common order dated 21.03.2023. The learned Principal District Judge, allowed the application filed by NHAI and the additional award granting enhanced compensation amount of Rs.650/- per Sq.Mtr. along with an amount @ 10% as statutory easement rights on the enhanced compensation was quashed. The application filed by the present Appellant challenging the Arbitration Award under Section 3-G (5) dated 30.08.2019 along with Additional Award dated 27.11.2020 were rejected.

8. It is contention of the Appellant that NHAI had challenged only the Additional Award dated 27.11.2020 and the Primary Award dated 03.08.2019 is still in place. The said action on the part of the NHAI is absolutely impermissible in law because, in view of “Doictrine of Merger”, after passing of Additional Award, it gets merged with the primary award and “partial challenge” to the arbitration award cannot be permitted under Section 34 of the A & C Act. Due to quashing of Additional Award, arbitration proceedings cannot be resumed at the instance of the Appellant and additional compensation which was granted to the Appellants are also taken away due to the quashing of the Additional Award. It is contended that learned Court below was of the opinion that the learned Arbitrator was not justified in passing the Additional Award, he should have quashed the entire arbitration award so that fresh arbitration proceedings could have been initiated by the Appellant. It is further contended that if the learned Court below was of opinion that the additional award was bad in law, the entire award passed by the learned Arbitrator needs to be quashed and set aside leaving the parties free to begin the arbitration again as per Section 3-G (5) of the A & C Act. There was no reason to quash and set aside the Additional Award

and to hold that there was no material below placed before the learned Arbitrator to reach at the conclusion for granting additional benefit by increasing the rate to Rs.650/- per Sq.Mtr.

9. My attention is drawn to the copy of Ready Recknor to show the rate of Balapur Nagar Parishad area as village Babhulkhed area was under the Balapur Nagar Parishad. The Appellant also placed on record ready reckoner of adjoining villages like Gazipur to demonstrate the rate of “Lands on Highway”. The Arbitrator has granted the lower rate of Rs.650/- per Sq.Mt from the available evidence on record.

10. Learned Counsel for the Appellant relied on judgment of this Court passed in ***Writ Petition No.6660/2022 (Vinod Sahebrao Pingle & Anr. Vs. Natinal Highway Authority of India through its Project Director & Ors.)*** decided on **16.02.2023** and ***Mcdermott International Inc. Vs. Burn Standard Co. Ltd., & Ors.***, reported in ***(2006) 11 SCC 181***.

11. As against this, the learned Counsel for the Respondent NHAI supported the order passed by the learned Principal District Judge, Akola. It is contended that the Competent Authority

followed all the parameters contemplated under the NH Act and compensation granted by him is just, fair and proper. Learned Counsel for the Respondent further submitted that there was a Revision Application No.1/2019 in Arbitration Case No.31/2017 which was moved by the Applicant. The said Revision Application inspite of raising various grounds of maintainability, the Arbitrator allowed the same and granted enhanced rate of Rs.650/- per Sq.Mtr. along with 10% statutory easement rights on the enhanced compensation without considering the said objection of the present Respondents. The reason for not challenging the Award is put-forth by learned Counsel for the Respondent that the Award dated 03.08.2019 was *void ab initio* in the eyes of law and thus the present Respondent has rightly challenged the Additional Award dated 27.11.2020 only. It is further contended that all grounds raised by the Appellant and the probable defence raised by the present Respondent were considered by the learned Arbitrator while passing the Award dated 03.08.2019. The learned Arbitrator did not find any merits in the submission of the Appellant and was also of the view that the Appellant did not prove his case as per law. However, certain contingent future relief was granted by the Arbitrator which was totally unlawful and

supported the order passed by the learned Principal District Judge, Akola.

12. Learned Counsel for the Respondent relied on the following citations :

- (i) *Gyan Prakash Arya Vs. Titan Industries Limited*, reported in *(2023) 1 SCC 153*,
- (ii) *Kinnari Mullick and Another Vs. Ghanshyam Das Damani*, reported in *(2018) 11 SCC 328* and
- (iii) *McDermott International Inc. Vs. Burn Standard Co. Ltd. and Others*, reported in *(2006) 11 SCC 181*.

13. I have heard both the parties at length. Perused the impugned orders and considered the legal provisions and citations relied on by the parties.

14. Respondent vehemently opposed that application under Section 33 of the A & C Act was not maintainable. As held in *Gyan Prakash Arya* (supra), the Hon'ble Apex Court held in para 13 as under :

“13. The original award was passed considering the claim made by the claimant as per its original claim and as per the statement of the claim made

and therefore subsequently allowing the application under Section 33 of the 1996 Act to modify the original award in exercise of powers under Section 33 of the 1996 Act is not sustainable. Only in a case of arithmetical and/or clerical error, the award can be modified and such error only can be corrected. In the present case, it cannot be said that there was any arithmetical and/or clerical error in the original award passed by the learned arbitrator. What was claimed by the original claimant in the statement of claim was awarded. Therefore, the order passed by the learned arbitrator on an application filed under Section 33 of the 1996 Act and thereafter modifying the original award cannot be sustained. The order passed by the learned arbitrator in the application under Section 33 of the 1996 Act is beyond the scope and ambit of Section 33 of the 1996 Act.”

However, considering the fact that application was moved under Section 33(4) of the A & C Act, the Section 33(4) and (5) reads as under :

“33. Correction and interpretation of award; additional award.—(1)

(2)

(3)

(4) Unless otherwise agreed by the parties, a party with notice to the other party, may request, within thirty days from the receipt of the arbitral award, the arbitral tribunal to make an additional arbitral award as to claims presented in the arbitral proceedings but omitted from the arbitral award.

(5) If the arbitral tribunal considers the request made under sub-section (4) to be justified, it shall make the additional arbitral award within sixty days from the receipt of such request.”

15. As such, this proviso was not the subject matter of the writ petition of **Gyan Prakash Arya** (supra). In the matter at the hands of the Hon'ble Apex Court, there was an application under Section 33(1) of the A & C Act for modification of award by correcting the computational/arithmetical/clerical error. However, in the present matter, the application is filed for passing of additional award under Section 33(4) of the A & C Act. As such, the application is permissible if filed within 30 days from the receipt of arbitral award as to claim presented in the arbitral proceeding but omitted from the arbitral award. The Arbitrator under Section 33(5) of the A & C Act is empower to pass additional arbitral award, if request made under Section 33(4) is justified. Therefore, reliance placed in this judgment by the learned Principal District Judge is incorrect. In **Gyan Prakash Arya** (supra), case of the applicant who was seeking modification of the award under Section 33(1) of the A & C Act, whereas in the present case, the applicant seeking relief of passing additional award under Section 33(4) and (5) of the A & C Act. Learned

Principal District Judge placed reliance on this judgment and rejected the application for resumption of arbitration and allowed the Appeal filed by Respondent NHAI and set aside the additional award passed on 27.11.2020. While setting aside the additional award, the learned Principal District Judge has not considered whether such award can be set aside partially.

16. Learned Counsel for the Respondent also relied on ***Kinnari Mullick*** (supra) in support of his contention that Section 34 of the A & C Act scope is very limited.

17. Learned Counsel for the Appellant relied on ***McDermott International Inc.*** (supra). In the said matter, the Hon'ble Apex Court in para 52 observed as under :

“52. The 1996 Act makes provision for the supervisory role of courts, for the review of the arbitral award only to ensure fairness. Intervention of the court is envisaged in few circumstances only, like, in case of fraud or bias by the arbitrators, violation of natural justice, etc. The court cannot correct errors of the arbitrators. It can only quash the award leaving the parties free to begin the arbitration again if it is desired. So, scheme of the provision aims at keeping the supervisory role of the court at minimum level and this can be justified as parties

to the agreement make a conscious decision to exclude the court's jurisdiction by opting for arbitration as they prefer the expediency and finality offered by it.”

18. However, learned Counsel for the Appellant herein drawn my attention to para 68 and 71 of the said judgment, wherein the Hon’ble Apex Court held as under :

“68. The 1996 Act does not use the expression "partial award". It uses interim award or final award. An award has been defined under Section 2(c) to include an interim award. Subsection (6) of Section 31 contemplates an interim award. An interim award in terms of the said provision is not one in respect of which a final award can be made, but it may be a final award on the matters covered thereby, but made at an interim stage.

71. Section 33 of the Act empowers the Arbitral Tribunal to make correction of errors in arbitral award, to give interpretation of a specific point or a part of the arbitral award, and to make an additional award as to claims, though presented in the arbitral proceedings, but omitted from the arbitral award. Subsection (4) empowers the Arbitral Tribunal to make additional arbitral award in respect of claims already presented to the Tribunal in the arbitral proceedings but omitted by the arbitral tribunal provided:

1. There is no contrary agreement between the parties to the reference;

2. A party to the reference, with notice to the other party to the reference, requests the Arbitral Tribunal to make the additional award;

3. Such request is made within thirty days from the receipt of the arbitral award;

4. The Arbitral Tribunal considers the request so made justified; and

5. Additional arbitral award is made within sixty days from the receipt of such request by the Arbitral Tribunal.

The additional award, in our opinion, is not vitiated in law.”

19. In the said judgment, the Hon'ble Apex Court held that if conditions mentioned in sub-Section 4 of Section 33 of the A & C Act are satisfied, the additional award is not vitiated in law. Thus, the additional award passed by the learned Arbitrator is merged into the award passed by the Arbitrator, therefore, the learned Principal District Judge ought to have allowed the application under Section 34(4) or moved for setting aside award fully instead of only setting aside additional award. The reason for setting aside additional award is also not well founded. As such the order passed by the learned Principal District Judge, Akola is patently contrary to the provisions of law and erroneous, it is liable to be set aside. Hence, I pass the following order :

(i) All the Appeals are **allowed**.

(ii) In Arbitration Appeal No. 08/2024, the orders dated 21.03.2023, passed by the learned Principal District Judge, Akola in Civil M.A. (Arb) No. 82/2021 below Exhibit-17 and order passed in Civil M.A. (Arb) No. 75/2022 below Exhibit-27 are hereby quashed and set aside.

(iii) In Arbitration Appeal No. 13/2024, the orders dated 21.10.2023, passed by the learned Principal District Judge, Akola in Civil M.A. (Arb) No. 105/2021 below Exhibit-20 and order passed in Civil M.A. (Arb) No. 218/2022 below Exhibit-22 are hereby quashed and set aside.

(iv) In Arbitration Appeal No. 14/2024, the orders dated 17.07.2023, passed by the learned Principal District Judge, Akola in Civil M.A. (Arb) No. 115/2021 below Exhibit-19 and order passed in Civil M.A. (Arb) No. 215/2022 below Exhibit-23 are hereby quashed and set aside.

(v) In Arbitration Appeal No. 20/2024, the orders dated 29.04.2023, passed by the learned Principal District Judge, Akola in Civil M.A. (Arb) No. 103/2021 below Exhibit-21 and order

passed in Civil M.A. (Arb) No. 231/2022 below Exhibit-24 are hereby quashed and set aside.

(vi) In Arbitration Appeal No. 22/2024, the orders dated 20.04.2023, passed by the learned Principal District Judge, Akola in Civil M.A. (Arb) No. 81/2021 below Exhibit-18 and order passed in Civil M.A. (Arb) No. 125/2022 below Exhibit-25 are hereby quashed and set aside.

(vii) In Arbitration Appeal No. 23/2024, the orders dated 27.04.2023, passed by the learned Principal District Judge, Akola in Civil M.A. (Arb) No. 114/2021 below Exhibit-18 and order passed in Civil M.A. (Arb) No. 130/2022 below Exhibit-27 are hereby quashed and set aside.

(viii) In Arbitration Appeal No. 29/2024, the orders dated 20.04.2023, passed by the learned Principal District Judge, Akola in Civil M.A. (Arb) No. 86/2021 below Exhibit-17 and order passed in Civil M.A. (Arb) No. 153/2022 below Exhibit-23 are hereby quashed and set aside.

(ix) In Arbitration Appeal No. 32/2024, the orders dated 17.07.2023, passed by the learned Principal District Judge, Akola

in Civil M.A. (Arb) No. 88/2021 below Exhibit-21 and order passed in Civil M.A. (Arb) No. 228/2022 below Exhibit-24 are hereby quashed and set aside.

(x) In Arbitration Appeal No. 37/2024, the orders dated 21.10.2023, passed by the learned Principal District Judge, Akola in Civil M.A. (Arb) No. 75/2021 below Exhibit-18 and order passed in Civil M.A. (Arb) No. 114/2022 below Exhibit-27 are hereby quashed and set aside.

(xi) In Arbitration Appeal No. 09/2024, the orders dated 21.10.2023, passed by the learned Principal District Judge, Akola in Civil M.A. (Arb) No. 102/2021 below Exhibit-20 and order passed in Civil M.A. (Arb) No. 224/2022 below Exhibit-24 are hereby quashed and set aside.

(xii) In all the above Arbitration Appeals the Misc. Civil Application (Arbitration) Nos. 82/2021, 105/2021, 115/2021, 103/2021, 81/2021, 114/2021, 86/2021, 88/2021, 75/2021 and 102/2021 are hereby remitted back to the learned Principal District Judge, Akola for its fresh consideration.

(xiii) Parties to appear before the learned Principal District Judge, Akola on **02.05.2025**.

All the Arbitration Appeals stand disposed of in the above terms. No order as to costs.

(SMT. M.S. JAWALKAR, J.)

Kirtak