



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

**Arbitration Appeal (AA) No. 1 of 2025**

National Highways Authority of India through Project Director, Proj.  
Implementation Unit, Yavatmal and another

**Versus**

The Arbitrator (Additional Commissioner), Nagpur-1 and others

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

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Court's or Judge's Order

Shri A.A.Kathane, Advocate for the appellant.

Ms. S.N.Thakur, AGP for the respondent/State.

**CORAM : NIVEDITA P. MEHTA, J.**

**DATED : 18<sup>th</sup> DECEMBER, 2025.**

The appellant has challenged the judgment and order dated 09.10.2021 passed by the learned District Judge, Nagpur in Civil Miscellaneous Application No. 862 of 2019. The appellant has also sought stay to the effect and operation of the impugned order dated 09.10.2021 during the pendency of the present appeal and has further prayed for a direction to re-deposit the amount withdrawn pursuant to the said order.

2. Learned counsel for the appellant submits that respondent no.3 has already withdrawn the entire arbitral amount deposited by the appellant. It is further

submitted that, in view of such subsequent developments, the substantive reliefs sought in the present appeal have been rendered infructuous.

3. Learned counsel further submits that an application under Section 34 of the Arbitration and Conciliation Act, 1996, challenging the arbitral award, has been pending before the learned Principal District Judge, Nagpur since the year 2019. Attention is invited to sub-section (6) of Section 34 of the said Act, which mandates that an application under Section 34 shall be disposed of expeditiously and, in any event, within a period of one year from the date of service of notice upon the opposite party. It is contended that, despite the lapse of more than five years, the said application remains undecided. On this premise, a direction is sought to the learned Principal District Judge, Nagpur to decide Civil Miscellaneous Application No. 862 of 2019 within a stipulated time frame.

4. Learned Assistant Government Pleader, appearing for the respondents, submits that appropriate orders may be passed in accordance with law.

5. Having heard the learned counsel for the parties and upon perusal of the record, it is evident that the application under Section 34 of the Arbitration and Conciliation Act, 1996, filed in the year 2019, is still

pending adjudication. Section 34(6) of the said Act casts a statutory obligation upon the Court to dispose of such applications expeditiously and, in any event, within a period of one year from the date of service of notice. The prolonged pendency of the proceedings runs contrary to the object and scheme of the Arbitration and Conciliation Act, 1996, which emphasizes expeditious resolution of arbitral disputes.

5. In the facts and circumstances of the present case, this Court is of the considered view that the ends of justice would be met by directing the learned Principal District Judge, Nagpur to decide Civil Miscellaneous Application No. 862 of 2019 within a period of four months.

6. With the aforesaid direction, the Arbitration Appeal stands disposed of. No order as to costs.

**[NIVEDITA P. MEHTA, J.]**