



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

WRIT PETITION NO. 7344 OF 2024

(Sonali Mahesh Kelkar and another vs. National Highway Authority of India and another)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. Adwait Manohar, Advocate for petitioners.
Mr. A.A.Kathane, Advocate for respondent No.1
Mr. P.P.Pendke, AGP for respondent No.2.

CORAM : AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.

DATE : JANUARY 27, 2025

1) Mr.Kathane learned Counsel for respondent No.1 has tendered across the bar a demand draft of Rs.15,91,760/-, which according to him is an admissible amount, payable to the petitioners on account of acquisition of the land admeasuring 0.25 HR vide Award dated 23/10/2023, which not being admitted, is stated to have been challenged by the respondent No.1 before the Arbitrator u/s.3(G)(5) of the National Highways Act, 1956.

2) In respect of the balance amount, in terms of the Award dated 23/10/2023, he submits that the same is not payable. However, since now the proceedings are pending before the Arbitrator, the same can be deposited with the Arbitrator who can be directed to place it in interest carrying account, subject to the result of the arbitration u/s.3(G)(5) of the National Highway Act, 1956.

3) In view of the above position, we permit the respondent No.1 to deposit the amount of Rs.15,91,760/- with the Registrar, who is directed to accept the demand draft in this

regard and encash the same. Since this amount is not disputed to be payable under the Award dated 23/10/2023, the Registrar, upon encashment of the demand draft is further directed to transmit the same in the account of the petitioners, in case RTGS details are supplied by them.

4) Since the balance amount payable under the Award dated 23/10/2023 is subject matter of the arbitration proceeding u/s.3(G)(5), the respondent No.1 is directed to deposit the disputed amount before the Arbitrator within a period of two weeks from today, who upon receipt of the same shall create fixed deposit of the same, payable subject to the result of the proceeding pending before him.

5) The petition is disposed of in the above terms.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

KOLHE