



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

**Civil Application (CAM) No. 247 of 2025
in
Arbitration Appeal No. 196 of 2025**

National Highways Authority of India through Project Director,
Implementation Unit Yavatmal (Chandrapur)

Versus

Rasilaben Arunkumar Pobaru and others

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

Court's or Judge's Order

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

**CORAM : NIVEDITA P. MEHTA, J.
DATED : 24th NOVEMBER, 2025.**

Issue notice to the respondents, returnable
on **10th December, 2025.**

2. Ms. H.N.Prabhu, learned Assistant Government Pleader waives service of notice on behalf of the respondent nos. 5 and 6/State.

3. The learned counsel for the appellant, while pressing for stay, submitted that under the National Highways (Manner of Depositing the Amount by the Central Government, Making Requisite Funds Available to the Competent Authority for Acquisition of Land) Rules, 2019 which, according to him, came into force on

18.01.2019; there is no statutory obligation upon the appellant to deposit the awarded amount.

4. Attention was invited to Rule 3(b), which provides that where the amount determined by the Arbitrator under Section 3-G(7) of the Act exceeds the amount determined by the Competent Authority, the excess amount, together with interest, if any, shall be deposited pursuant to the Arbitrator's award, unless such award has been further challenged by either of the aggrieved parties. Rule 3 (b) of Rules 2019 read thus:

Rule 3(b) : Where the amount determined by the Arbitrator under sub-section (7) of Section 3-G of the Act is in excess of the amount determined by the competent authority, the excess amount, together with interest, if any, Arbitrator's award, unless such Award has been further challenged by either of the aggrieved parties.

A bare perusal of the said Rule, it is contended, indicates that the appellant is not statutorily bound to make the deposit when the award itself is under challenge.

5. In support of the submission, reliance has been placed upon the judgment of the High Court of Kerala in National Highways Authority of India v. Lawrence & Ors., decided on 15.09.2025.

6. Having regard to the above-referred provisions and the submissions advanced, interim relief

in terms of prayer clause (b) is granted until the next date of hearing.

[NIVEDITA P. MEHTA, J.]