



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**11 ARBITRATION APPEAL NO.16 OF 2024
WITH CIVIL APPLICATION NO. 11647 OF 2024
IN ARBA/16/2024
WITH CIVIL APPLICATION NO. 2411 OF 2025
IN ARBA/16/2024**

...

**NATIONAL HIGHWAYS AUTHORITY OF INDIA
VERSUS
BHASKAR ONKAR MALI & OTHER**

...

Advocate for Appellant : Mr.Deepak S. Manorkar
Advocate for Respondent nos.1 and 2 : Mr.Vinod P. Patil
Advocate for Respondent no.3 : Mr.R.B.Bagul

...

**ARBITRATION APPEAL NO.17 OF 2024
WITH
CIVIL APPLICATION NO. 11648 OF 2024
IN ARBA/17/2024
WITH CIVIL APPLICATION NO.2412 OF 2025
IN ARBA/17/2024**

...

**NATIONAL HIGHWAYS AUTHORITY OF INDIA
VERSUS
GEETABAI BABURAO MALI & ANOTHER**

...

Advocate for Appellant : Mr.Deepak S. Manorkar
Advocate for Respondent no.1 : Mr.Vinod P. Patil
Advocate for Respondent no.2 : Mr.R.R.Bangar

...

**ARBITRATION APPEAL NO.18 OF 2024
WITH
CIVIL APPLICATION NO. 11650 OF 2024
IN ARBA/18/2024**

**WITH CIVIL APPLICATION NO. 2409 OF 2025
IN ARBA/18/2024**

...
NATIONAL HIGHWAYS AUTHORITY OF INDIA
VERSUS
HINDU UNDIVIDED FAMILY 1. SAMADHAN DEVRAM
KOLI & ANOTHER

...
Advocate for Appellant : Mr.Deepak S. Manorkar
Advocate for Respondent no.1 : Mr.Vinod P. Patil
Advocate for Respondent no.2 : Ms.A.S.Jadhav

...

**ARBITRATION APPEAL NO.20 OF 2024
WITH
CIVIL APPLICATION NO. 12080 OF 2024
IN ARBA/20/2024
WITH CIVIL APPLICATION NO. 2218 OF 2025
IN ARBA/20/2024**

...
NATIONAL HIGHWAYS AUTHORITY OF INDIA
VERSUS
KALPANA SUDHIR BHALERAO & ANOTHER

...
Advocate for Appellant : Mr.Deepak S. Manorkar
Advocate for Respondent no.1 : Mr.Vinod P. Patil
Advocate for Respondent no.2 : Mr.Rohit Sarvadnya

...

**ARBITRATION APPEAL NO.21 OF 2024
WITH
CIVIL APPLICATION NO. 12081 OF 2024
IN ARBA/21/2024
WITH CIVIL APPLICATION NO. 2223 OF 2025
IN ARBA/21/2024**

...

NATIONAL HIGHWAYS AUTHORITY OF INDIA
VERSUS
PUNJARAM GANPAT MALI & ANOTHER

...

Advocate for Appellant : Mr.Deepak S. Manorkar
Advocate for Respondent no.1 : Mr.Vinod P. Patil
Advocate for Respondent no.2 : Mr.Krushna Solanke

...

**ARBITRATION APPEAL NO.22 OF 2024
WITH
CIVIL APPLICATION NO. 12082 OF 2024
IN ARBA/22/2024
WITH CIVIL APPLICATION NO. 2224 OF 2025
IN ARBA/22/2024**

...

NATIONAL HIGHWAYS AUTHORITY OF INDIA
VERSUS
KADU FATRU KOLI & OTHER

...

Advocate for Appellant : Mr.Deepak S. Manorkar
Advocate for Respondent nos.1 and 2 : Mr.Vinod P. Patil
Advocate for Respondent no.3 : Ms.M.G.Kosturkar

...

**ARBITRATION APPEAL NO.30 OF 2024
WITH
CIVIL APPLICATION NO. 12098 OF 2024
IN ARBA/30/2024
WITH CIVIL APPLICATION NO. 2220 OF 2025
IN ARBA/30/2024**

...

NATIONAL HIGHWAYS AUTHORITY OF INDIA
VERSUS
SUKHDEO ONKAR BHAWAR & ANOTHER

...

Advocate for Appellant : Mr.Deepak S. Manorkar
Advocate for Respondent no.1 : Mr.Vinod P. Patil
Advocate for Respondent no.2 : Mr.R.B.Bagul

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 15.04.2026

P.C. :

1] Heard.

2] By the present appeals, the appellant - National Highways Authority of India has challenged the order passed by the learned Principal District Judge under section 34 of the Arbitration and Conciliation Act, 1996, whereby the application filed by the appellant under section 34 of the said Act came to be rejected and arbitral award passed by the learned Arbitrator under section 3G(5) of the National Highways Act, 1956 came to be confirmed.

3] The lands of the respondent/original claimants from village Pimpriakrut, Tal. Muktainagar were acquired for the public purpose of widening of NH-6. The Government of India had approved and issued a preliminary notification dated 11.11.2011 for acquisition u/s. 3-A(1) of the National Highways Act.

4] This Court by order dated 1.4.2026 in

Arbitration Appeal No.103/2025 (National Highways Authority of India Vs. Bhaskar Ninu Zambare and Ors.) and other connected matters has dismissed the arbitration appeals filed by the National Highway Authority qua the compensation granted for the lands acquired for the expansion of national highway from Jalgaon by notification under section 3-A of the NHAI Act, dated 11.11.2011. The compensation granted therein was at the rate of 2800/- per sq. mtr. by the arbitrator, thereafter, the same was confirmed by the District Court under section 34 of the Arbitration and Conciliation Act and this Court under section 37 of the Arbitration and Conciliation Act has also dismissed the appeals filed by the National Highways Authority. The reasoning given in Arbitration Appeal No. 103/2025 cited supra would apply to the instant case.

5] In the present matter, the learned counsel for the appellant has filed written notes of argument on record, which are taken on record and marked as 'X' for identification. The learned counsel for the appellant has placed reliance on the judgment in the case of **Kolkata Metropolitan Development Authority Vs. Gobinda Chandra Makal**, which mandates the strict cutoff of the 3A notification date. However, in earlier matters, this Court in **Arbitration Appeal No. 103/2025** cited supra has already dealt with this aspect and has considered the judgment in the case of **Chimanlal Hargovinddas Vs. Special Land**

Acquisition Officer reported in AIR 1988 SC 1652, and has observed that while determining the market value various factors are required to be taken into consideration and one of such factors is that even post-notification sale instances can be taken into account if (i) they are very proximate in point of time, (ii) they are genuine transactions, and (iii) the acquisition itself has not motivated the purchaser to pay a higher price on account of the resultant improvement in development prospects. On satisfying all the above conditions sale deed dated 13.2.2012 has been taken into consideration for computing the price of the acquired lands in Arbitration Appeal No. 103/2025.

6] In Arbitration Appeal No.103/2025 cited supra it is observed that other sale deeds were placed on record and it is observed that if the prices therein are suitably adjusted for yearly escalation, the resultant price would broadly correspond with the price reflected in the post notification sale deed dated 13.2.2012.

7] In the instant case, acquisition is for the same project as in above Arbitration Appeal No. 103/2025, section 3-A notification is also issued on the same date and the acquired lands are from village Pimpriakrut which were 5-6 k.m. away from village Muktainagar, the lands acquired in Arbitration Appeal No. 103/2025 cited supra. However, in the instant case I find that arbitrator has deducted

amount of Rs.800/- per sq. mtr. i.e. 20% of Rs. 4000/- per sq. mtr. towards distance, Rs.600/- per sq. mtr. i.e. 15% of Rs.4000/- towards size and has granted amount of Rs.2600/- per sq. mtr. Since the lands are at a distance of 5-6 km from the lands in Arbitration Appeal No.103/2025 (Village Kothali and Muktainagar) the authority has made sufficient deductions towards the price of land. Considering this aspect of the matter and considering the order passed by this Court in Arbitration Appeal No. 103/2025 cited supra, there would be no case for interference as sufficient deductions are made in the present matters towards distance of acquired lands from Muktainagar and also towards size has granted reasonable compensation. The arbitrator has also taken into consideration the N.A. potential of the acquired land. Considering all these aspects of the matters, no case is made out for interference. Arbitration appeals are dismissed.

8] In view of the orders passed in all the Arbitration Appeals, all Civil Applications seeking withdrawal of amounts are allowed. However, since the National Highway Authority intends to challenge this order, the applicants shall furnish an undertaking to this Court stating that in the event any favourable order is passed in favour of the National Highway Authority, they will re-deposit the amount withdrawn within a period of four weeks.

9] All other pending Civil Applications for interim relief / stay stand disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC