



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ARBITRATION APPEAL NO. 21 OF 2025

NATIONAL HIGHWAYS AUTHORITY OF INDIA,
Project Implementation Unit,
Dhule, Represented by its:
Project Director,
'Mangal', Plot No. 14 to 16,
Mansaram Nagar,
Sakri Road at Dhule

.. Appellant

VERSUS

1. NARESHKUMAR ZAVERILAL JAIN (DECEASED)
THROUGH LRS.

a) KARISHMA NARESHKUMAR JAIN,
Age - 30 Years, Occu. - Business,
R/o. Nardana, Tq. Shindkheda,
Dist. Dhule

b) JAYESHKUMAR NARESHKUMAR JAIN,
Age - 30 Years, Occu. - Business,
R/o. Nardana, Tq. Shindkheda,
Dist. Dhule

c) HEMKA NARESHKUMAR JAIN,
Age - 30 Years, Occu. - Business,
R/o. Nardana, Tq. Shindkheda,
Dist. Dhule

.. Respondents

Advocate for Appellant : Mr. Manorkar Deepak Suresh
Advocate for Respondents No.1-a to 1-c : Mr. Durgesh M. Pingale

WITH
CIVIL APPLICATION NO. 6041 OF 2025
IN
ARBA/21/2025

CORAM : ARUN R. PEDNEKER, J.

DATE : 04.05.2026

PER COURT:

1. Heard.

2. The land of the claimants bearing Gat No.152, situated at Village Pimprad, Taluka Shindkheda, District Dhule was acquired for the purpose of widening of NH-3, vide preliminary Notification dated 23.02.2009, under Section 3A of the National Highways Act, 1956 (*for brevity "the Act"*), and final Notification dated 16.12.2010, under Section 3D of the Act. The competent authority determined the compensation under Section 3G(1) of the Act at the rate of Rs.205/- per Sq. Mtr. for commercial and industrial land and at the rate of Rs.155/- for agricultural lands. Being aggrieved thereby the claimants filed an application under Section 3G(5) of the Act seeking reference to arbitration. The Arbitrator on considering claim of the claimants enhanced the compensation to Rs.1840/- per Sq. Mtr. The same was challenged by the National Highways Authority under Section 34 before the District Court. The same being dismissed, the present Arbitration Appeal is filed.

3. The learned counsel appearing for the National Highways Authority of India has particularly taken me through the Arbitral Award and has pointed out Paragraph No.13, as under:

“13. As per pass record of the Arbitration enhanced rate of Rs.2750/- per sq.mtr. has been sanctioned for N.A. land at village Nardana, Tal. Shindkheda, Dist. Dhule, vide this office order No. (LAQ/REF/NHAI/DULE/NARDANA/11/2012 Date 30/05/2013). However, in that case NHAI has filed appeal in District Court Dhule.

Also a rate of Rs.1250/- has been sanctioned vide this office order No. (LAW/REF/NHAI/DULE/NARDANA/07/2011 Date 04/04/2013) for agriculture land at Nardana and also increased rate at Rs.1150/- has been sanctioned vide this office order No. (LAQ/REF/NHAI/DULE/NARDANA/07/2011 Date 04/04/2013) for agriculture land at Pimprad, which are accepted by NHAI. But in respect of rate of N.A. land, the appeal has been filed in the District Court Dhule, This rate @ of Rs.2750/- need not be considered.

So considering the previous sale deeds in Pimprad village, for agriculture land @ Rs.1150/- per sq. mtr. and at pimprad village for Agriculture land @ Rs.1150/- has been accepted by NHAI. Therefore, the rate @ 1150/- + 60% amount (i.e. Rs.690/-) = Rs.1840/- for non agriculture land will have to be considered in the present case.”

4. The learned counsel further submits that there is no reason as to why there is increase of 60% of the price and the Arbitrator has merely done some guess work without any reasons.

5. However, perusal of the order of the Arbitrator, particularly, at Paragraph No.12, wherein he has noted the market price of the Sale Deeds of Village Pimprad of Rs.2324/- per Sq. Mtr., Rs.2566/- per Sq. Mtr. and Rs.3571/- per Sq. Mtr. So also, Sale Deeds of the Nardane of Rs.2766/- per Sq. Mtr. and 14033/- per Sq.

Mtr. Another Sale Deed of Gavane of Rs.3058/- per Sq. Mtr. at the time of Notification under Section 3A of the Act.

The Arbitrator has also recorded that in another proceeding the Arbitrator has enhanced the rate of Rs.2750/- per sq.mtr. for NA lands of Nardane village.

6. Considering this aspect of the matter, so also, considering the above Sale Deeds and the Arbitral Award, the compensation enhanced of Rs.690/- per Sq.Mtr. over the agricultural land of Rs.1150/- per Sq.Mtr. cannot be said to be excessive.

7. Thus, no case is made out for interference. The Arbitration Appeal filed under Section 37 of the Act is dismissed.

8. In view of dismissal of the Arbitration Appeal, consequently, the pending civil application also stands disposed of.

9. At the request of the learned counsel for the claimants, the amount deposited in this court is directed to be remitted to the Executing Court at Dhule, which is permitted to be withdrawn by the claimants from the Executing Court.

[ARUN R. PEDNEKER, J.]

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