IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

908 ARBITRATION APPEAL NO. 72 OF 2025

National Highways Authority Of India Through Its Project Director
VERSUS
Sudam Madhavrao Bobade And Another
...
Advocate for Appellant : Mr. Narwadkar Mrigesh Dinkarrao
Advocate for Respondent No.3 : Mr. R. S. Sarvadnya
Advocate for Respondents No.1 and 2 : Mr. Tushar Shinde h/f Mr. Shinde Chandrakant K.
...
WITH
CIVIL APPLICATION NO. 12380 OF 2025
IN ARBA/72/2025
...
AND
909 ARBITRATION APPEAL NO. 73 OF 2025

Project Director, National Highway Authority Of India
VERSUS
Damodhar Ashruba Sapkal And Anr.
...
Advocate for Appellant : Mr. Narwadkar Mrigesh Dinkarrao
Advocate for Respondent No.2 : Mr. R.B. Bagul
Advocate for Respondent No.1 : Mr. Sarvadnya Rohit s.
...
WITH
CIVIL APPLICATION NO. 12382 OF 2025
...
953 ARBITRATION APPEAL NO. 82 OF 2025

National Highways Authority Of India Through Its Project Director
VERSUS
Raosaheb Madhavrao Bobade Died Through Lrs Bhausaheb Raosaheb Bobade And Others
...
Advocate for Appellant : Mr. Narwadkar Mrigesh Dinkarrao
Advocate for Respondent No.5 : Ms. Mayuri G. Kasturkar
...
WITH
CIVIL APPLICATION NO. 12410 OF 2025
IN ARBA/82/2025
...
AND
954 ARBITRATION APPEAL NO. 83 OF 2025

National Highways Authority Of India Through Its Project Director
VERSUS
Kachrulaji Bastimal Jain And Others

...

Advocate for Appellant : Mr. Narwadkar Mrigesh Dinkarrao
Advocate for Respondent No.4 : Mr. Rajesh H. Mewara
Advocate for Respondents No.2 and 3: Mr. Kunal Kale

...

WITH
CIVIL APPLICATION NO. 12412 OF 2025
IN ARBA/83/2025

...

AND
955 ARBITRATION APPEAL NO. 84 OF 2025

The Project Director The National Highways Authority Of India
VERSUS
Jyoti Dilichend Lodha And Others

...

Advocate for Appellant : Mr. Narwadkar Mrigesh Dinkarrao
Advocate for Respondent No.3 : Mr. N. T. Bhagat
Advocate for Respondent No.1 : Ms. Jyoti D. Lodha

...

WITH
CIVIL APPLICATION NO. 12415 OF 2025
IN ARBA/84/2025

...

AND
ARBITRATION APPEAL NO. 74 OF 2025

The National Highways Authority Of India Through its Project Director
VERSUS
Dilip Madhavrao Bobade and Another

...

Advocate for Appellant : Mr. Narwadkar Mrigesh Dinkarrao
Advocate for Respondent No.2 : Mr. U. B. Bondar
Advocate for Respondent No.1 : Mr. A.B. Hawale

...

WITH
CIVIL APPLICATION NO. 12386 OF 2025
IN ARBA/74/2025

...

AND
ARBITRATION APPEAL NO. 79 OF 2025

The National Highways Authority Of India Through its Project Director
VERSUS
Abhimanyu Ashruba Magar Died Through His Lrs. Tarabai Abhimanyu Magar

and Another
...
Advocate for Appellant : Mr. Narwadkar Mrigesh Dinkarrao
Advocate for Respondent No.2 : Mr. Nitin Salunke
Advocate for Respondent No.1 : Mr. Y. K. Bobade
...

CORAM : ARUN R. PEDNEKER, J.
Dated : April 29, 2026

PER COURT :

1. Heard.

2. By the present Arbitration Appeals, the appellants challenge the order passed by the District Court under Section 34 of the Arbitration and Conciliation Act, 1996, whereby the arbitral awards were set aside and the matters were remitted to the arbitrator.

3. The facts, in brief, are that the lands in question were acquired for the widening of National Highway No. 211, situated within Taluka and District Beed. A notification under Section 3A of the National Highways Act, 1956 was issued on 20/06/2014. Compensation was initially determined under Section 3G(1), and thereafter applications were filed under Section 3G(5). The arbitrator enhanced the compensation; however, different amounts were awarded for different lands. The said awards were challenged by the claimants before the District Court. By a common order,

the District Court set aside all the arbitral awards and remitted the matters to the arbitrator for fresh determination.

4. Challenging the said order, the learned Counsel for the National Highway Authority submits that the observations made by the District Court in paragraphs 26 and 27 may affect the final outcome of the arbitral proceedings. It is contended that the said observations suggest that the arbitrator is required to award uniform compensation to all the appellants.

5. Upon perusal of the impugned order, the observations made by the District Court do not appear to be erroneous. However, since the acquisition pertains to lands from different villages, some variation in compensation is possible depending upon the sale instances relied upon by the arbitrator, including the location and distance of such lands. Such variation, however, may only be marginal. The observation of the District Court that similarly situated lands should be granted the same compensation appears, *prima facie*, to be correct. Nevertheless, the ultimate discretion must remain with the arbitrator, who shall determine the compensation on the basis of relevant sale deeds and attendant circumstances.

6. The learned Counsel for the appellant further submits that, while remitting the matters, the District Court ought not to have re-examined the

evidence. However, the District Court has observed that similarly situated lands should be awarded similar compensation. It has also taken into consideration that the principles of determination of price for lands acquired under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 are applicable to acquisitions under the National Highways Act, in view of the notification issued under Section 105 of the 2013 Act, making Sections 26 to 30 applicable.

7. In view of the above, the observations of the District Court are appropriate, and no error is found in the impugned order. Accordingly, the Arbitration Appeals stand disposed with above observations.

8. The National Highway Authority shall pay the requisite court fees within a period of six weeks from today. All pending Civil Applications stand disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.