



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

**940 CIVIL APPLICATION NO. 13455 OF 2025
IN
ARBA/22/2025**

**SHRI. SHREERAM BHIVSAN CHAUDHARY AND ANR.
VERSUS
NATIONAL HIGHWAYS AUTHORITY OF INDIA PIU, DHULE
REPRESENTED BY ITS PROJECT DIRECTOR AND ANR.**

...
Advocate for Applicant/s : Mr. Suraj P Tiwari
Advocate for Respondent / NHAI :
Mr. D. P. Madkar h/f. Mr. D. S. Manorkar
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 11.03.2026

PER COURT:

1. Heard.

2. Civil Application No.13455 of 2025 is filed for withdrawal of the amount. The applicants' land is acquired by the national highway authority for extension of the highway. The Competent Authority for Land Acquisition (CALA) granted compensation of Rs.5000/- per square meter. The same is increased by the Arbitrators by Rs.8000/- per square meter i.e. increase of Rs.3000/- per square meter. The National Highway Authority moved an application under Section 34 of the Arbitration and Conciliation Act, 1996 before the District Judge challenging the award. The same has been dismissed, as such, the present appeal

is filed under Section 37 of the Arbitration and Conciliation Act, 1996. The National Highway Authority has deposited the differential amount with interest before this court and the application is filed for withdrawal of the amount.

3. Considering that the applicant has succeeded before the arbitrator, so also, before the District Judge under Section 34 application and, also, considering that the rise given is not substantial, 50% amount can be permitted to withdrawn on personal undertaking by the applicant.

4. Mr. D. P. Madkar, learned counsel for non-applicant no.1 relies upon the order of the Hon'ble Supreme Court passed in **SLP No.27289/2024, dated 20.02.2025**, wherein it is observed that when the claimants are permitted to withdraw the deposited amount, the court should secure the amount by Bank Guarantee. However, the order is passed during the pendency of Section 34 proceedings.

In the instant case, Section 34 proceedings are held against the National Highway Authority.

5. Considering the same, the applicant is permitted to withdraw 50% of the deposited amount along with accrued interest thereon, on an undertaking that in the event the appellant

succeeds, the applicant would repay the amount within four weeks thereafter.

6. Civil Application No.13455 of 2025 for withdrawal of amount stands disposed of accordingly.

[ARUN R. PEDNEKER, J.]

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