



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

**ARBITRATION APPEAL NO.7 OF 2025
WITH
CIVIL APPLICATION NO.1757 OF 2025 IN ARBITRATION
APPEAL NO.7 OF 2025**

National Highways Authority of India,
Through its Project Director,
Shivaji Vasant Pawar
Age-Major, Occ-Service as
(Project Director,
NHAI PIU-Jalgaon.
Office Address at – Project Implementation Unit-Jalgaon,
Gut No.53, Plot No.17, Bhagirath Colony,
Near Shiv Colony Shop, Near SBI NH-6,
Jalgaon-425 001.

.. APPELLANT

VERSUS

- 1] Shri Naresh Hundomal Nagdev,
Age-Major, Occupation-Agriculturist,
R/o. Kumar Nagar, Sakriroad, Dhule
Tq. & District : Dhule.
- 2] Shri. Pahlaj Parasram Kevalani,
Age-Major, Occupation-Agriculturist,
R/o. As above.
- 3] Competent Authority (Land Acquisition)
& Special Land Acquisition Officer, Amalner,
Division, Amalner.

.. RESPONDENTS

**WITH
ARBITRATION APPEAL NO.10 OF 2025
WITH
CIVIL APPLICATION NO.1760 OF 2025 IN ARBITRATION
APPEAL NO.10 OF 2025**

National Highways Authority of India,
Through its Project Director,
Shivaji Vasant Pawar
Age-Major, Occ-Service as
(Project Director),
NHAI PIU-Jalgaon.
Office Address at – Project Implementation Unit-Jalgaon,
Gut No.53, Plot No.17, Bhagirath Colony,
Near Shiv Colony Shop, Near SBI NH-6,
Jalgaon-425 001.

.. APPELLANT

VERSUS

- 1] Shri Pravin Nimba Patil,
Age-Major, Occupation-Agriculturist,
R/o. Parola, Tq. Parola,
District : Jalgaon.
- 2] Shri. Pralhad Bhika Chaudhari,
Age-Major, Occupation-Agriculturist,
R/o. As above.
- 3] Shri. Atul Chotulal Jain,
Age-Major, Occupation-Agriculturist,
R/o. As above.
- 4] Shri. Mangesh Dashrath Surulkar,
Age-Major, Occupation-Agriculturist,
R/o. As above.
- 5] Shri. Vipulkumar Vijaykumar Jain,
Age-Major, Occupation-Agriculturist,
R/o. As above.
- 6] Shrimati Shakuntala Tanhaji Patil,
Age-Major, Occupation-Agriculturist,
R/o. As above.

- 7] Competent Authority (Land Acquisition)
& Special Land Acquisition Officer, Amalner
.. RESPONDENTS

WITH
ARBITRATION APPEAL NO.11 OF 2025

WITH
CIVIL APPLICATION NO.1763 OF 2025 IN ARBITRATION
APPEAL NO.11 OF 2025

National Highways Authority of India,
Through its Project Director,
Shivaji Vasant Pawar
Age-Major, Occ-Service as
(Project Director),
NHAI PIU-Jalgaon.
Office Address at – Project Implementation Unit-Jalgaon,
Gut No.53, Plot No.17, Bhagirath Colony,
Near Shiv Colony Shop, Near SBI NH-6,
Jalgaon-425 001.

.. APPELLANT

VERSUS

- 1] Shri Rajiv Mohanlal Agrawal,
Age-Major, Occupation-Agriculturist,
R/o. Dhule, Tq. & Dist. Dhule.
- 2] Shri. Ashish Subhash Agarwal,
Age-Major, Occupation-Agriculturist,
R/o. As above.
- 3] Shri Ravindra Uttamrao Wagh,
Age-Major, Occupation-Agriculturist,
R/o. As above.
- 4] Competent Authority (Land Acquisition)
& Special Land Acquisition Officer,
Amalner

.. RESPONDENTS

WITH
ARBITRATION APPEAL NO.14 OF 2025
WITH
CIVIL APPLICATION NO.1768 OF 2025 IN ARBITRATION
APPEAL NO.14 OF 2025

National Highways Authority of India,
Through its Project Director,
Shivaji Vasant Pawar
Age-Major, Occ-Service as
(Project Director),
NHAI PIU-Jalgaon.
Office Address at – Project Implementation Unit-Jalgaon,
Gut No.53, Plot No.17, Bhagirath Colony,
Near Shiv Colony Shop, Near SBI NH-6,
Jalgaon-425 001.

.. APPELLANT

VERSUS

Dhondu Harchand Bhil (Dead)
Through its Lrs.

- 1] Kashinath Dhondu Bhil,
Age-45 years, Occu-Agri.
R/o. Mondhale Pra A, Tq. Parola,
District : Jalgaon.
- 2] Ashok Dhondu Bhil,
Age-28 years, Occ.-Agri.
R/o. As above.
- 3] Barku Dhondu Bhil,
Age-39 years, Occ.-Agri.
R/o. As above.
- 4] Manglabai Mahadu Bhil,
Age-51 years, Occ.-Household,
R/o. As above.
- 5] Nirmalabai Maharu Bhil,

Age-42 years, Occ.-Household,
R/o. As above.

6] Devakabai Dhondu Bhil,
Age-63 years, Occ.-Household,
R/o. As above.

7] Competent Authority (Land Acquisition)
& Special Land Acquisition Officer,
Amalner.

..RESPONDENTS

WITH
ARBITRATION APPEAL NO.8 OF 2025

WITH
CIVIL APPLICATION NO.1758 OF 2025 IN ARBITRATION
APPEAL NO.8 OF 2025

National Highways Authority of India,
Through its Project Director,
Shivaji Vasant Pawar
Age-Major, Occ-Service as
(Project Director),
NHAI PIU-Jalgaon.
Office Address at – Project Implementation Unit-Jalgaon,
Gut No.53, Plot No.17, Bhagirath Colony,
Near Shiv Colony Shop, Near SBI NH-6,
Jalgaon-425 001.

.. APPELLANT

VERSUS

1] Shri. Gokul Vitthal Khairnar,
Age-Major, Occupation – Agriculturist,
R/o. Mondhale Pra A, Tq. Parola,
District : Jalgaon.

2] Shri. Dnyaneshwar Vitthal Khairnar,
Age-Major, Occupation – Agriculturist,
R/o. As above.

- 3] Bhikubai Vitthal Khairnar,
Age-Major, Occupation – Agriculturist,
R/o. As above.
- 4] Shri. Chandrakant Vitthal Khairnar,
Age-Major, Occupation – Agriculturist,
R/o. As above.
- 5] Competent Authority (Land Acquisition)
& Special Land Acquisition Officer,
Amalner.

..RESPONDENTS

ARBITRATION APPEAL NO.9 OF 2025
WITH
CIVIL APPLICATION NO.1759 OF 2025 IN ARBITRATION
APPEAL NO.9 OF 2025

National Highways Authority of India,
Through its Project Director,
Shivaji Vasant Pawar
Age-Major, Occ-Service as
(Project Director),
NHAI PIU-Jalgaon.
Office Address at – Project Implementation Unit-Jalgaon,
Gut No.53, Plot No.17, Bhagirath Colony,
Near Shiv Colony Shop, Near SBI NH-6,
Jalgaon-425 001.

.. APPELLANT

VERSUS

- 1] Satish Vitthal Morankar (Died),
Through its Lrs.
Pratibha Satish Morankar,
Age-Major, Occupation-Agriculturist,
R/o. Subgavhan Khu, Tq. Parola,
District : Jalgaon.
- 2] Pritesh Satish Morankar,
Age-Major, Occupation-Agriculturist,
R/o. As above.

- 3] Saurabh Satish Morankar,
Age-Major, Occupation – Agriculturist,
R/o. As above.
- 4] Vatsalabai Vitthal Morankar,
Age-Major, Occupation-Agriculturist,
R/o. As above.
- 5] Competent Authority (Land Acquisition)
& Special Land Acquisition Officer, Amalner,
Division, Amalner.

.. RESPONDENTS

WITH
ARBITRATION APPEAL NO.13 OF 2025

WITH
**CIVIL APPLICATION NO.1767 OF 2025 IN ARBITRATION
APPEAL NO.13 OF 2025**

National Highways Authority of India,
Through its Project Director,
Shivaji Vasant Pawar
Age-Major, Occ-Service as
(Project Director,
NHAI PIU-Jalgaon.
Office Address at – Project Implementation Unit-Jalgaon,
Gut No.53, Plot No.17, Bhagirath Colony,
Near Shiv Colony Shop, Near SBI NH-6,
Jalgaon-425 001.

.. APPELLANT

VERSUS

- 1] Shri Sandeep Mansukhlal Shah,
Age-Major, Occupation-Agriculturist,
R/o. 5, Gandhi Nagar, Parola Road,
Tq. Dhule, District : Dhule.
- 2] Shri. Kishor Motilal Lodha,
Age-Major, Occupation-Agriculturist,
R/o. As above.

- 3] Shri Vasant Uttam Patil,
Age-Major, Occupation-Agriculturist,
R/o. As above.
- 4] Competent Authority (Land Acquisition)
& Special Land Acquisition Officer, Amalner,
Division, Amalner.

.. RESPONDENTS

**WITH
ARBITRATION APPEAL NO.15 OF 2025**

**WITH
CIVIL APPLICATION NO.2318 OF 2025 IN ARBITRATION
APPEAL NO.15 OF 2025**

National Highways Authority of India,
Through its Project Director,
Shivaji Vasant Pawar
Age-Major, Occ-Service as
(Project Director,
NHAI PIU-Jalgaon.
Office Address at – Project Implementation Unit-Jalgaon,
Gut No.53, Plot No.17, Bhagirath Colony,
Near Shiv Colony Shop, Near SBI NH-6,
Jalgaon-425 001.

.. APPELLANT

VERSUS

- 1] Shri Ramakant Narayan Agrwal,
Age-Major, Occupation-Agriculturist,
R/o. Lane No.1884, Bhandi Bazar, Tq.Dhule,
District : Dhule.
- 2] Shri. Pravin Bankatlal Agrwal,
Age-Major, Occupation-Agriculturist,
R/o. As above.
- 3] Competent Authority (Land Acquisition)
& Special Land Acquisition Officer,
Amalner.

.. RESPONDENTS

WITH
ARBITRATION APPEAL NO.12 OF 2025
WITH
CIVIL APPLICATION NO.1764 OF 2025 IN ARBITRATION
APPEAL NO.12 OF 2025

National Highways Authority of India,
Through its Project Director,
Shivaji Vasant Pawar
Age-Major, Occ-Service as
(Project Director,
NHAI PIU-Jalgaon.
Office Address at – Project Implementation Unit-Jalgaon,
Gut No.53, Plot No.17, Bhagirath Colony,
Near Shiv Colony Shop, Near SBI NH-6,
Jalgaon-425 001.

.. APPELLANT

VERSUS

- 1] Samarth Sahakari Pathpedhi Maryada,
Dhule.
- 2] Deepak @ Bindumadhav Avdhoot Kulkarni
Age:Major, Occ:Agri,
R/o. Saneguruji Colony,
Tq. Parola, Dist. Jalgaon.
- 3] Competent Authority (Land Acquisition)
& Special Land Acquisition Officer,
Amalner.

.. RESPONDENTS

WITH
ARBITRATION APPEAL NO.24 OF 2025
WITH
CIVIL APPLICATION NO.2146 OF 2025 IN ARBITRATION
APPEAL NO.24 OF 2025

National Highways Authority of India,
Through its Project Director,

Shivaji Vasant Pawar
Age-Major, Occ-Service as
(Project Director,
NHAI PIU-Jalgaon.
Office Address at – Project Implementation Unit-Jalgaon,
Gut No.53, Plot No.17, Bhagirath Colony,
Near Shiv Colony Shop, Near SBI NH-6,
Jalgaon-425 001.

.. APPELLANT

VERSUS

- 1] Nawab Kehbub Khatik,
Age-Major, Occupation-Agriculturist,
R/o. Parola, Tq. Parola,
District : Jalgaon.
- 2] Competent Authority (Land Acquisition)
& Special Land Acquisition Officer, Amalner,
Division, Amalner.

.. RESPONDENTS

...

Mr.Satyajeet J. Rahate, Advocate for the appellants in all appeals.

Mr.S.W.Munde, Advocate for the respondent-CALA

Mr.Mukul Kulkarni, Advocate holding for Mr.D.D.Pande,
Advocate for the respondents-claimants.

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CORAM : ARUN R. PEDNEKER, J.

Reserved on : 28.04.2026

Pronounced on : 04.05.2026

ORDER :

- 1] By the present Appeals, the appellants are
challenging the orders passed by the District Court,

dismissing the application under Section 34 of the Arbitration and Conciliation Act, 1996 and maintaining the arbitral award passed by the Arbitrator under Section 3-G (5) of the National Highways Act, 1956.

Facts leading to filing the present First Appeals are as under :

2] The lands of the respondents – claimants are situated at village Sabgavhan Khurd and Mondhale, Taluka Parola, District Jalgaon. The notification under Section 3A of the National Highways Act, 1956 was issued on 11th November, 2011 for acquisition of the lands for [widening / four-laning, etc], maintenance, management and operation of National Highway No.6 on the stretch of land from Km. 470.500 to Km. 502.800 (Jalgaon – Maharashtra / Gujrat Border Section) in District of Jalgaon in the State of Maharashtra. The lands from 14 villages were acquired by the common Notification. The Notification under Section 3-D (1) of the National Highways Act, 1956 was issued on 8th November, 2012. Compensation for the acquired land was

determined by the Competent Authority of Land Acquisition [for short 'CALA'] under Section 3-G (1) of the N.H.Act in case of all 14 villages. Dissatisfied by the award, the claimants filed application before the Arbitrator under Section 3-G (5) of the National Highways Act, 1956. The Arbitrator passed awards under Section 3-G (5) of the N.H.Act, 1956 and the National Highway Authority has accepted awards of 12 villages out of 14 villages. The National Highway Authority challenged the awards of only two villages under Section 34 of the Arbitration Act, namely, Sabgavhan Khurd and Mondhale, Taluka Parola, District Jalgaon.

3] In the instant case, the Arbitrator has granted compensation, as under :

Claimant	Gat No.	Acquired area	Rate awarded by CALA	Market value determined by Arbitrator	Rate granted by Arbitrator	Arbitration Appeal No.
Naresh Hundomal Nagdev	89/2 & 89/3	1000	170/- per Sq.m.	Rs.7104/- per sq. m.	Rs.2274/- per sq. m.	ARBA/ 7/2025
Pravin Nimba Patil	1/2/2	5500	250/- per sq. m.	Rs.7104/- per sq.m.	Rs.2274/- per sq. m.	ABA/ 10/2025
Sandeep Mansukhlal Shah	110	5200	170/- per Sq.m.	Rs.7104/- per sq. m.	Rs.2274/- per sq. m.	ARBA/ 13/2025

Satish Vitthal Morankar	6/2	600	170/- per Sq.m.	Rs.7104/- per sq. m.	Rs.2274/- per sq. m.	ARBA/ 9/2025
Dhondu Harchand Bhil	177/2	3000	250/- per Sq.m.	Rs.7104/- per sq. m.	Rs.2274/- per sq. m.	ARBA/ 14/2025
Rajiv Mohanlal Agrawal	112/2	1279	250/- per Sq.m.	Rs.7104/- per sq. m.	Rs.2274/- per sq. m.	ARBA/ 11/2025
Gokul Vitthal Khairnar	1/2/1/1	2200	250/- per Sq.m.	Rs.7104/- per sq. m.	Rs.2274/- per sq. m.	ARBA/ 8/2025
Ramakant Narayan Agrawal	161	710	250/- per Sq.m.	Rs.7104/- per sq. m.	Rs.2274/- per sq. m.	ARBA/ 15/2025
Samarth Sahakari Patpedhi	187/1	1360	250/- per Sq.m.	Rs.7104/- per sq. m.	Rs.2274/- per sq. m.	ARBA/ 12/2025
Nawab Mehbub Khatik	4/2	1500	250/- per Sq.m.	Rs.7104/- per sq. m.	Rs.2274/- per sq. m.	ARBA/ 24/2025

4] The learned counsel for the appellants Mr.Rahate submits that in all the matters except in one i.e. Arbitration Appeal No.10/2025, the documents in support of the affidavits in evidence were not filed.

5] The learned counsel for the appellant in Arbitration Appeal No.11/2025 submits that the arbitral award is of 24th May, 2022 and the affidavit in evidence was notarized on 08.06.2022, however, Inward Stamp of the Arbitrator office shown endorsement on 05.05.2022. Thus, the learned counsel for the appellant submits that there is

manipulation with regard to the date of inward made in arbitration office and the documents were filed subsequent to the award.

6] As regards Arbitration Appeal No.14/2025 is concerned, the learned counsel for the appellant submits that roznama indicates that the matter was reserved for judgment on 10.12.2021, however, the affidavit in evidence filed shows that it is notarized on 08.06.2022 and filed on 09.06.2022 and the evidence of valuer is dated 15.06.2022 and the evidence was filed after the matter was closed for orders. He also submits that the list of documents is filed without the document. The learned counsel further submits that the documents were filed after the matter was closed for judgment and therefore the evidence ought not to have been taken into consideration.

7] As regards Arbitration Appeal No.12/2025 is concerned, the learned counsel for the appellant submits that the appeal is filed by the respondent no.2 and the respondent no.2 is not owner of the acquired land. The

respondent no.1 has not applied under Section 3-G (5) of the National Highways Act, 1956 and the award is passed by the Arbitrator in the name of both the persons. The respondent no.2 has no locus standi to file application under Section 3-G (5) of the National Highways Act.

8] The learned counsel for the appellant relies upon the judgment in the case of **Ssangyong Engineering & Construction Co. Ltd. Vs. National Highways Authority of India (NHAI)** in Civil Appeal No.4779 of 2019 [arising out of Special Leave Petition (Civil) No.19033 of 2017] particularly para nos. 35, 36 and 37 and submits that the act of producing the evidence at a later stage and taking the same into consideration would amount to patent illegality and the arbitral award is to be set aside.

9] *Per contra*, the learned counsel **Mr.Mukul Kulkarni** instructed by **Mr.D.D.Pande**, learned counsel for the respondent – claimants submits that the Notification issued under Section 3A (1) of the National Highways Act, 1956 was common in respect of all 14 villages. Thereafter,

the Notification under Section 3D issued on 08.11.2012 was common in respect of all 14 villages. He further submits that while awarding the compensation in all 14 villages, the Arbitrator has relied upon one sale deed of village Mhasve dated 31.12.2010. He further submits that the National Highway Authority has accepted the award of 12 villages out of 14 villages and has granted compensation of 12 villages out of 14 villages. The National Highway Authority has chosen to challenge the award in respect of two villages only. He further submits that while awarding the compensation in all 14 villages, the Arbitrator has considered documents filed in one matter, as filed in all matters.

10] Having considered the rival submissions, it is noted that Section 3A and 3D Notification was in respect of 14 villages. Undisputedly, the compensation is granted in respect of all 14 villages based on the sale dated 31.12.2010. The compensation granted by the Arbitrator in respect of 14 villages are as under :

Sr.No.	Village Name	Rate as per Arbitration Award / Sq.Mt.	Year of Arbitration Award Acceptance
01.	SA.Marath	1906	May 2018
02.	SA.Turk	1906	May 2018
03.	SA.Hol	1906	May 2018
04.	Ramnagar	1906	May 2018
05.	Sarve Bk.	1421	March 2017
06.	Babhalenag	1421	March 2017
07.	Mhasve	3500	May 2018
08.	Parola	3426	June 2019
09.	Undirkheda	2237	Dec 2018
10.	Vichkhede	2298	May 2018
11.	Karanji	2024	June 2018
12.	Mondhale	2024	Sept 2022 Pending
13.	Dalwel	2089	June 2018
14.	Sabgavan	2024	Sept 2022 Pending

11] From the above chart, it is seen that except villages, namely, Mondhale and Sabgavan i.e. at Serial Nos.12 and 14, the National Highway Authority has accepted the awards in respect of all other 12 villages out of 14 villages and the compensation is granted in respect of all 14 villages based on the sale dated 31.12.2010 of village Mhasve. The Arbitrator has granted compensation

considering the sale deed dated 31.12.2010 @ Rs.6458/- per square meter. The Arbitrator has made deduction to the extent of 33% towards distance from Mhasve village and 35% towards size.

12] The Arbitrator has applied Section 26 of Acquisition Act, 2013 in determining the value of acquired land. The Arbitrator has granted similar compensation in respect of all villages by making appropriate deductions towards size and distance from the sale instances. The National Highway Authority has not challenged the awards of the remaining 12 villages. The awards in respect of two villages [involved in present appeal] are identical and similar to the award passed by the Arbitrator in respect of other 12 villages, which are not challenged by the National Highway Authority.

13] The Arbitrator has granted compensation based on the sale deed dated 31.12.2010 and the Arbitrator has made sufficient deduction towards distance from village Mhasve and size of land. The application filed under Section

34 of Arbitration Act, 1994 before the District Court is also dismissed. As such, I see no error in the award passed by the Arbitrator and the District Court. Accordingly, the Appeals are dismissed.

14] In view of dismissal of the Arbitration appeals, all pending Civil Applications are also disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC