



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

912 ARBITRATION APPEAL NO. 124 OF 2025

SARASWATI BHAGVAT NEPATE

VERSUS

THE PROJECT DIRECTOR, NATIONAL HIGHWAY AUTHORITY OF
INDIA AND OTHERS

...

Advocate for Appellant : Mr. Thigale Girish Kalidasrao

Advocate for Respondent 1 : Mr. S.P. Urgunde

Advocate for Respondent 2 : Mr. S.W. Munde

...

913 ARBITRATION APPEAL NO. 125 OF 2025

SARASWATI BHAGWAT NEPATE

VERSUS

THE PROJECT DIRECTOR, NATIONAL HIGHWAY AUTHORITY OF
INDIA AND OTHERS

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Advocate for Appellant : Mr. Thigale Girish Kalidasrao

Advocate for Respondent 1 : Mr. S.P. Urgunde

Advocate for Respondent 2 : Mr. R.B. Bagul

...

CORAM : ARUN R. PEDNEKER, J.

Dated : April 24, 2026

PER COURT :-

1. Heard.
2. The appellants challenge the impugned Awards passed by the Arbitrator, so also, the impugned Orders passed by the Principal District Judge, Osmanabad dismissing the Applications under Section 34 of the Arbitration and Conciliation Act, 1996.
3. This Court by order **dated 24th March 2026 in Arbitration Appeal**

No. 38/2025 (Balu Lingappa Chandanshive Vs. The Project Director NH Authority Of India and Others) and other connected matters has decided the matters covering the acquisition of lands from village Tadavala, Taluka Tuljapur, District Osmanabad for widening of National Highway No. 361. The instant cases also relate to the acquisition of the lands from the same village i.e. Tadavala, Taluka Tuljapur, District Osmanabad for widening of National Highway No. 361.

2. The learned counsel for the respondent/NHAI has not able to point out any distinguishing feature in the present case. However, the learned counsel for NHAI has submitted that in view of the judgment of Hon'ble Supreme Court in the case of **Associate Builders vs. Delhi Development Authority reported in MANU/SC/1076/2014**, power of this Court is extremely restricted and only in case of patent illegality the impugned award can be interfered.

3. However, in the case of **Balu Lingappa Chandanshive** cited supra, this court has observed that arbitrator has committed patent illegality in granting different compensation to similarly placed lands and this would fall within sub-section 2(A) of section 34 of the Arbitration and Conciliation Act. As such, in the present case, the learned counsel for the respondent/NHAI has failed to make out any distinction from the case of **Baluppa Chandanshive** cited supra.

4. Accordingly, the arbitration appeals are allowed. The impugned

orders are quashed and set aside. The matters are remitted to the arbitrator, to be determined within four months. All contentions are kept open.

(ARUN R. PEDNEKER, J.)

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