



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

**959 CIVIL APPLICATION NO. 214 OF 2026
IN ARBA/1/2025
WITH
CIVIL APPLICATION NO. 7320 OF 2025
IN ARBA/1/2025
WITH
CIVIL APPLICATION NO. 9438 OF 2025
IN ARBA/1/2025**

**ANJALI SANJEEV BAFANA SINCE DECEASED THRU. L.RS. SANJEEV
MISHRILAL BAFANA AND ORS.**

VERSUS

**NATIONAL HIGHWAYS AUHTORITY OF INDIA, PIU NASHIK THRU.
PROJECT DIRECTOR B. S. SALUNKE AND ANR.**

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Advocate for Applicant : Mr. A.B. Kale h/f. Ms. Sakshi A. Kale

Advocate for appellant : Mr. D.S. Manorkar

Advocate for Respondent/UOI : Mr. U.B. Bondar

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CORAM : ARUN R. PEDNEKER, J.

Dated : March 12, 2026

PER COURT :-

1. Heard.
2. The Competent authority for Land Acquisition (CALA) has passed award and granted compensation at the rate of Rs. 3700/- per Sq. Mtr. Thereafter, in applications under section 3(G)(5) of the Arbitration and Conciliation Act, the compensation is enhanced to Rs. 7400/- per Sq. Mtrs. by the Collector/Arbitrator. The said arbitral awards were challenged before the learned Principal District Judge which came to be dismissed and against the said dismissal, present arbitration appeal is

filed.

3. The stay has been already granted by this Court subject to deposit of entire amount of of compensation. The said amount has been deposited in reference court.

4. Thereafter present application for withdrawal of amount are filed by the claimants which is opposed by the learned counsel appearing for National Highways Authority of India by placing reliance on the judgment and order of the Hon'ble Supreme Court in **Civil Appeals arising out of S.L.P (Civil) No. 27289/2024 and other connected matters decided on 20.2.2025**, in which Hon'ble Supreme Court has observed that the High Court should have secured the amount by directing the respondents-claimants to furnish a bank guarantee for the said amount to the satisfaction of the Court.

5. In the instant cases, entire amount of compensation has been deposited, so also the application under section 34 is already dismissed. As such, the respondents/claimants have arbitral award so also order under section 34 in their favour.

6. Considering the same, the claimants are permitted to withdraw 50% amount deposited in the executing Court by the appellant along with accrued interest thereon, if any, subject to undertaking that in the event the appellant succeeds in appeal, the claimants shall refund the amount within eight weeks thereafter.

7. With the above directions, the application filed for withdrawal of amount is allowed and disposed of.

(ARUN R. PEDNEKER, J.)

ssc/