



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

958 CIVIL APPLICATION NO. 7302 OF 2025 IN ARBAST/7401/2025
WITH
CIVIL APPLICATION NO. 1732 OF 2026 IN ARBAST/7401/2025
WITH
CIVIL APPLICATION NO. 7303 OF 2025 IN ARBAST/7401/2025

NATIONAL HIGHWAYS AUTHORITY OF INDIA PIU JALGAON THROUGH
PROJECT DIRECTOR SHIVAJI V PAWAR

VERSUS

YASHWANT CHAVDAS WARKE AND OTHERS

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Advocate for Applicant : Mr. Manorkar Deepak Suresh

Advocate for Respondents 1 & 2 : Mr. A.B. Kale

Advocate for Respondents 3 : Mr. R.R. Bangar

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962 CIVIL APPLICATION NO. 1730 OF 2026 IN ARBAST/7426/2025
WITH
CIVIL APPLICATION NO. 7287 OF 2025 IN ARBAST/7426/2025
WITH
CIVIL APPLICATION NO. 7288 OF 2025 IN ARBAST/7426/2025

HIND SEVA MANDAL STAFF CO OP CREDIT SOCIETY LTD ITS
CHAIRMAN SUNIL NATPAL SHARMA

VERSUS

NATIONAL HIGHWAYS AUTHORITY OF INDIA PROJECT
IMPLEMENTATION UNIT BY SHIVAJI VASANT PAWAR

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Advocate for Applicant : Mr. Ajeet Babanrao Kale

Advocate for appellant : Mr. D.S. Manorkar

Advocate for Respondent/UOI : Mr.R.R. Bangar

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963 CIVIL APPLICATION NO. 1731 OF 2026 IN ARBAST/7391/2025
WITH
CIVIL APPLICATION NO. 7298 OF 2025 IN ARBAST/7391/2025
WITH
CIVIL APPLICATION NO. 7300 OF 2025 IN ARBAST/7391/2025

KIRAN MAHESHDATTA TIWARI

VERSUS

NATIONAL HIGHWAYS AUTHORITY OF INDIA PROJECT

IMPLEMENTATION UNIT SHIVAJI VASANT PAWAR

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Advocate for Applicant : Mr. Ajeet Babanrao Kale

Advocate for appellant : Mr. D.S. Manorkar

Advocate for Respondent/UOI : Mr.R.R. Bangar

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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. 805/- per Sq. Mtr. Thereafter, in applications under section 3(G)(5) of the Arbitration and Conciliation Act, the compensation is enhanced to Rs. 2900/- 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 appeals are filed.
3. In the appeals, there is delay of 40 days caused in filing the arbitration appeals. The stay has been already granted by this Court subject to deposit of 50% of differential amount and the said amount has been also deposited in this Court. In view of the above, the delay of 40 days caused filing the appeals is condoned. The delay condonation applications are allowed and disposed of.

4. Thereafter present applications for withdrawal of amount are filed which are 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, 50% differential amount has been deposited, so also the applications under section 34 are 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 entire 50% amount deposited by the appellant along with accrued interest thereon, if any, subject to undertaking that in the event the appellant succeeds in appeals, the claimants shall refund the amount within eight weeks thereafter.

7. With the above directions, the applications filed for withdrawal of amount are allowed and disposed of.

(ARUN R. PEDNEKER, J.)

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