

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11772 OF 2025**

Ashadhar Baburao Magdum Thr Sanmati Ashadhar Magdum
VERSUS

Ld Arbitrator Sole National Highway Acquisition Sangli Others

Mr. Shubham Dhenge a/w Ms. Ankita Mali, advocate for Petitioner

Mr. Sanjay D. Rayrikar AGP for the State

Mr. J. P. Patil, advocate for Respondent No. 3-NHAI

CORAM : SACHIN S. DESHMUKH, J.

DATE : 21st APRIL, 2026.

P. C. :

1. Learned counsel for the Petitioner seeks leave to delete Respondent No. 1 at his own risk and peril. Leave granted. Amendment to be carried out forthwith.

2. Rule. Rule made returnable forthwith. By consent of the parties, the Petition is decided finally at the admission stage.

3. By this Petition, the Petitioner seeks to challenge the order dated 31/07/2025 rendered by the Arbitrator, National Highway Acquisition Sangli, District Sangli in Arbitration/SR/11/2023 and 12/2023 rejecting the application for condonation of delay presented by the Petitioner.

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4. The land of the Petitioner has been acquired by the State pursuant to the notification dated 17/11/2017 and accordingly, the Award was passed in favour of the Petitioner. Consequently, the Petitioner vide letter dated 12/03/2020 protested against the Award and accordingly, the matter was referred for arbitration.

5. On 10/11/2023, the Petitioner presented an Application under Section 3G(5) of the National Highways Act, 1956 (Hereinafter referred to as 'the said Act') bearing no. Arbitration/SR/11/2023 and 12/2023 alongwith Application for condonation of delay, is rejected by the order under challenge. As such, the Petitioner is before this Court.

6. Learned counsel for the petitioner submits that the order under challenge is unsustainable in law. The Petitioner had indicated just and sufficient cause for the delay and the same ought to have been considered. The appointment of the Arbitrator was pursuant to the Government Notification dated 22/06/2021, as such, the Application preferred by the Petitioner was well within the limitation. Failure to consider the Application would lead to serious prejudice to the Petitioner and further violation Article 300A of the Constitution of India which is rather human right. Hence, prayed to

allow the Petition.

7. Learned AGP for the State and learned counsel for the Project Director, NHAI, Kolhapur have opposed the Petition and supported the order under challenge.

8. Having heard the submissions from the respective sides and upon perusal of the record indicates that the Petitioner is dissatisfied with the Award in relation to the acquired property by the State. As such, the Petitioner has the right to challenge the Award before the appropriate Authority.

9. Perusal of the application presented by the Petitioner indicates there is sufficient cause for the delay in filing the Application. Given the peculiar circumstances of the case and considering the right of the Petitioner under Article 300A of the Constitution of India, I am of the considered opinion that the Petitioner deserves an opportunity to challenge the Award on merit and the same cannot be defeated by adopting hyper technical approach. In any case, no prejudice would be caused to the Respondents by allowing the same.

10. Resultantly, Writ Petition is allowed in terms of prayer clause

(a) and (b) only.

11. Needless to state, the Arbitrator shall decide the Application under Section 3G(5) of the said Act on its own merit, in accordance with law.

12. Rule is made absolute in above terms.

[SACHIN S. DESHMUKH, J.]