

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 275 OF 2025

Kanayalal Ketandas Manwani

...Petitioner

Versus

The Competent Authority

...Respondent

AND
ARBITRATION PETITION (ST) NO. 38561 OF 2025
AND
ARBITRATION PETITION (ST) NO. 39889 OF 2025
AND
ARBITRATION PETITION (ST) NO. 39899 OF 2025
AND
ARBITRATION PETITION (ST) NO. 38502 OF 2025

Mr. Vivek M. Punjabi, a/w Priyansh R. Jain, for the Petitioner.

Mr. Rakesh Singh, i/b M.V. Keni & Co. for Respondent-NHAI.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 7, 2026

ORDER :

1. Arbitration Petition (L) No.38502 of 2025 not on board. By consent of the parties, taken on board, since it is connected to the very same acquisition as is involved in the matters listed today at Serial No.902, 11, 13 and 14 and is heard along with the matters listed today.

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2. It is common ground that all the captioned proceedings pertain to land acquisition connected with the very same acquisition that forms the subject matter of Arbitration Petition No.235, 236 and 237 of 2025 which came to be disposed of by an order dated April 22, 2025 appointing a former Chief Justice of the Madras High Court and a former Judge of this Court as the Sole Arbitrator to adjudicate all disputes and differences between the parties, particularly, taking into account the inordinate delay in the conduct of arbitration under the National Highways Act, 1956.

3. The said order dated April 22, 2025 was carried to the Supreme Court in a Special Leave Petition (Civil) No.17737 of 2025. The Supreme Court, leaving the question of law open, directed that, in the peculiar facts and circumstances of the case, it would not like to interfere with the order dated April 22, 2025 and therefore, the arbitration was meant to be conducted and continued.

4. Since it is common ground that all the acquisitions in the captioned proceedings form the subject matter of the same acquisition as now pending before the Learned Arbitrator appointed on April 22, 2025, it would only be appropriate to refer the captioned proceedings as

well before the same Learned Sole Arbitrator. For clarity, the Learned Arbitral Tribunal is being appointed in the following terms:-

- A) Mr. S.V. Gangapurwala (Retd.) Judge of this Court is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred to above;
- B) A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioner within a period of one week from the date of upload of this order. The Petitioner shall provide the contact and communication particulars of the parties to the Arbitral Tribunal along with a copy of this Order;
- C) The Learned Sole Arbitrator is requested to forward the statutory Statement of Disclosure under Section 11(8) read with Section 12(1) of the Act to the parties within a period of two weeks from receipt of a copy of this Order;

D) The parties shall appear before the Learned Sole Arbitrator on such date and at such place as indicated, to obtain appropriate directions with regard to conduct of the arbitration including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearings etc. At such meeting, the parties shall provide a valid and functional email address along with mobile and landline numbers of the respective Advocates of the parties to the Arbitral Tribunal. Communications to such email addresses shall constitute valid service of correspondence in connection with the arbitration and

E) All arbitral costs and fees of the Arbitral Tribunal shall be borne by the parties equally in the first instance, and shall be subject to any final Award that may be passed by the Tribunal in relation to costs.

5. This measure is opposed by the Learned Advocate for the Respondent on the premise that engagement of a private arbitrator would now entail payment of fees, whereas the NHAI would not have incurred such fees had it been an arbitration by a government appointed

arbitrator. This objection is late in the day with the Supreme Court already having refused to interfere with the reference to the Learned Sole Arbitrator. Be that as it may, it is only because the government appointed arbitrator has not conducted proceedings that the intervention was made, which intervention has not been interfered with by the Supreme Court in the peculiar facts and circumstances of the case.

6. These captioned proceedings, forming the subject matter of the very same acquisition, it would only be fair and also economical for both parties, including the Respondent, to have the reference made to the very same Learned Arbitral Tribunal. It is left to the Learned Arbitral Tribunal to club all these matters and achieve economies of scale.

7. Learned Advocate for the Respondent also complains that arbitration before the newly substituted arbitrator is yet to commence. This is countered by Learned Advocate for the Petitioners who contend that it was NHAI that filed an application under Section 16 of the Act, which was recently disposed of.

8. I have no doubt that the Learned Arbitral Tribunal would conduct the arbitration proceedings at the earliest, by setting a specific time frame, particularly taking into account the fact that pleadings are complete in the matter and the matter is ripe for a final hearing.

9. We trust that the NHAI will not file fresh Section 16 Applications in the new references, considering that the issues covered in the captioned proceedings are identical to the issues already before the Learned Arbitral Tribunal since expeditious conduct of arbitration significantly depends on the role played by the disputing parties. The Respondent is also requested to transmit all the proceedings from the Divisional Commissioner to the Learned Arbitral Tribunal at the earliest, preferably within a period of two weeks from the date of upload of this order, so that, further time is not wasted in getting the arbitration proceedings underway.

10. In exercise of powers under Section 29-A of the Act, considering that the matters have now been referred to the arbitrator, the arbitrator is requested to conduct and conclude the proceedings within a period of one year from today, rounded off to December 31, 2026. Should an extension be required, considering that the batch of

matters has expanded, the parties would be at liberty to seek an extension in the matters already before the Learned Arbitral Tribunal.

11. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]