

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13194 OF 2025

M/s. Space Up Ventures Pvt. Ltd. and another ... Petitioners

Vs.

National Highways Authority of India and others ... Respondents

WITH

INTERIM APPLICATION NO.13749 OF 2025

IN

WRIT PETITION NO.13194 OF 2025

Mr. V. S. Kapse a/w. Mr. Freedy for Petitioners.

Mr. Anil Singh, Additional Solicitor General a/w. Mr. Rakesh Singh Krishnakant
i/b. M. V. Kini & Co. for Respondent-NHAI.

Mr. Sandeep Yadav, Officer.

Mr. R. S. Pawar, AGP for Respondent-State.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE : APRIL 01, 2026

P.C. :

. Heard learned counsel for the parties for some time.

2. According to the learned Additional Solicitor General (ASG) appearing for the respondent - National Highways Authority of India (NHAI), the present case is covered as per judgement and order dated **24.02.2026** passed by this Court in **Writ Petition No.16191 of 2025** (*Anirudha Manohar Khopade and others Vs. Union of India and others*).

3. Mr. Kapse, learned counsel for the petitioners, on the other hand, submits that this case can be factually distinguished from the aforementioned case in which the said judgement was rendered.

4. It is further submitted that the award pertaining to the structure in

question dated 04.09.2025 came to light only with the reply affidavit filed on behalf of the respondent NHAI. It is submitted that even the report of the Indian Institute of Technology, Bombay (IIT), upon which the respondent NHAI relies, has been placed on record with the reply affidavit.

5. In that light, Interim Application No.13749 of 2025 is filed on behalf of the petitioners seeking amendment of the writ petition to challenge the said award as well as the report of IIT. Reliance is also placed on Section 3G(7)(c) of the National Highways Act, 1956, to specifically contend that the award does not take into account the damage suffered by the petitioners due to part acquisition of the subject structure and the effect on the earnings of the petitioner due to the said manner of acquisition.

6. Considering the fact that the subject award and the IIT report were not available with the petitioners and they were not within their knowledge, we are inclined to allow the application for amendment. Accordingly, the application is allowed. Leave is granted to carry out the amendment as per the Schedule annexed to the application. The amendment shall be carried out within a week from today.

7. In paragraphs 12, 13 and 14 of the rejoinder affidavit, the petitioners have specifically alleged that they are being discriminated against, as the owners of the godowns / warehouses, similarly situated like that of the petitioners, have been compensated for the entire structures, although they were only partially required for the construction of the national highway. Although the learned ASG, on instructions, submits that the case of the said godowns / warehouses is distinguishable on facts, in order to satisfy the conscience of the Court, it would be appropriate that the NHAI produces the copies of the awards pertaining to godowns / warehouse Nos.H6, H7 and I7 specifically

mentioned in paragraphs 12, 13 and 14 of the rejoinder affidavit filed on behalf of the petitioners. The copies of the said awards shall be produced before this Court on the next date of listing.

8. List the petition for further consideration on 16.04.2026 at the bottom of the supplementary board.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)

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