



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAW) NO. 715 OF 2026

IN

WRIT PETITION NO. 7343 OF 2024 (D)

Chanda Suhas Nagthane and another

.Vs.

National Highway Authority of India, Yavatmal and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr Anshuman Sambre, Advocate for the petitioner/s/applicants
Mr Anish A. Kathane, Advocate for respondent No. 1 through VC

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.
DATED : 15th APRIL, 2026.

Heard.

2. This is an application for withdrawal of the amount.

3. According to the applicants/petitioners, in pursuance to the order dated 23.04.2025, the respondent No.1 deposited the amount of compensation. Further it is submitted that in terms of the order dated 19.12.2024 the applicants are permitted to withdraw the said amount after concluding the proceedings before the learned Arbitrator.

4. It is informed that on 10.02.2026, the learned Arbitrator dismissed the application filed on behalf of the respondent No.1, seeking deduction in the amount of the compensation granted to the applicants.

5. In view of the dismissal of arbitration proceeding, the present application is being filed for permission to withdraw the amount.

6. The respondent No.1 is opposing the present application on the ground that the appeal against the same is pending under Section 34 of the Arbitration and Conciliation Act, 1996.

7. This Court vide order dated 27.01.2025, directed the respondent No.1 to deposit the disputed amount before the Arbitrator which shall be payable subject to the result of the proceeding, pending before the Arbitrator.

8. In the circumstances, we are of the opinion that the amount sought to be withdrawn should be permitted to be withdrawn by the applicant subject to filing of an undertaking that in case the respondent No.1 succeeds in the appeal, the applicants/petitioners would act upon such order and refund back the amount to the extent, as would be directed.

9. Accordingly, the application is **allowed**.

10. The applicants/petitioners are permitted to withdraw the amount deposited by the respondent No.1 alongwith the interest, if any, accrued thereon subject to filing of an undertaking that such withdrawal will be subject to the result of the appeal and in case, the respondents succeed in the appeal the applicants/petitioners would pay back the amount to the respondent No.1 with interest @ 6% per annum from

the date of withdrawal of the amount till the date of its realization.

11. The undertaking shall be filed within two weeks from today.

12. The civil application stands **disposed of**, accordingly.

Namrata

[RAJ D. WAKODE, J]

[ANIL S. KILOR, J.]