



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

ARBITRATION APPEAL NO. 45 OF 2026
WITH
CIVIL APPLICATION NO. 62 OF 2026
IN
ARBITRATION APPEAL NO. 45 OF 2026

PROJECT DIRECTOR, NATIONAL HIGHWAY AUTHORITY
OF INDIA, UNIT- NAGPUR AND ANOTHER
Vs.
GULAB GOKULDAS MAHANT AND OTHERS

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

Court's or Judge's orders.

Mr. Anish Kathane, Advocate for the Appellant.
Mr. H. B. Bargat, Advocate for Respondent Nos.1 and 2.
Mr. A. V. Palshekar, AGP for Respondent Nos.3 and 4/State.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.
DATE : 4th MARCH, 2026.

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1. Heard.
2. Issue notice to the respondents, returnable on 29th April 2026.
3. Mr. H. B. Bargat, learned counsel waives service of notice on behalf of respondent Nos.1 and 2.
4. Learned AGP waives service of notice on behalf of respondent Nos.3 and 4/State.
5. Office objections, if any, shall be removed on or before next date.

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6. The present application is filed by the appellants for grant of stay to the impugned judgment dated 22.12.2025 passed by the learned principal District Judge, Nagpur and further the arbitral award dated 31.01.2023.

7. Mr. Anish Kathane, learned counsel for the appellants submits that in view of the mandate of Rule 3 sub-rule (b) of the National Highways (Manner of Depositing the Amount by the Central Government; Making Requisite Funds Available to the Competent Authority for Acquisition of Land) Rules, 2019, when the challenge is made before this Court, the appellants are not statutorily bound to deposit the amount. The learned counsel for the appellants further submits that once the challenge finally comes to an end, they will be bound by the Rules to deposit the amount.

8. In view of the above, the learned Executing Court shall consider the provisions of the aforesaid Rules, more particularly, Rule 3 sub-rule (b) and judgment of the High Court of Kerala in the case of *National Highways Authority of India Vs. Lawrence and Ors.* in *WA No. 1801 of 2024*, decided on 15.09.2025.

9. The appellants shall produce the relevant Rules so also the judgment of the High Court of Kerala before the Executing Court for necessary orders.

10. If the learned Executing Court while deciding the application filed by the appellants upon consideration of the judgment of the High Court of Kerala and the statutory Rules comes to the conclusion that the aforesaid application deserves to be rejected and is accordingly rejected, the aforesaid order shall not be given effect for a period of one week from the date of such decision.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

MJ Jadhav