HC-KAR

NC: 2026:KHC:64294-DB
MFA No. 981 of 2025

CNR: KAHC010081542025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

MISCELLANEOUS FIRST APPEAL NO. 981/2025 (AA)

BETWEEN:

P JAGANNATHA PAI
S/O LATE JANARDHANA PAI,
AGED ABOUT 70 YEARS,
RESIDING AT D. NO 20-41/A, MELKAR HOUSE,
PANEMANGALORE POST AND VILLAGE,
BANTWAL TALUK, D.K. DISTRICT-574 231.

...APPELLANT

(BY SRI. KRISHNAMOORTHY D, ADVOCATE)

AND:

1. THE PROJECT DIRECTOR
N.H.A.I, PIU, NHAI, NH-75,
NO 3-29, BETHEL THARETHOTA,
NEAR PUMPWELL (NH-66),
MANGALORE-575 001.

2. THE COMPETENT AUTHORITY
AND THE SPECIAL LAND ACQUISITION OFFICER
NHAI, NH-75, HASSAN-B.C. ROAD DIVISION
NO HIG-64, DTDC COURIER OFFICE BUILDING,
1ST FLOOR, KHB COLONY, CHANNAPATNA,
OPP KSRTC NEW BUS STAND, HASSAN-573 201.

3. THE DEPUTY COMMISSIONER/
ARBITRATOR FOR NHAI
DAKSHINA KANNADA DISTRICT,
MANGALURU-575 001.

...RESPONDENTS

(BY SRI. SHOBHITH N. SHETTY, ADVOCATE FOR R1;
R2 & R3 ARE SERVED)

Digitally signed by MALA K N
Location: HIGH COURT OF KARNATAKA

CNR: KAHC010081542025

THIS MFA FILED UNDER SECTION 37(1)(C) OF THE ARBITRATION AND CONCILIATION ACT, PRAYING TO SET ASIDE THE ORDER IMPUGNED PASSED BY THE LEARNED IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, D.K., MANGALURU DATED 07.11.2024 IN AP NO.261/2023 WHEREBY THE DISMISSED THE APPEAL FILED BY THE APPELLANT BY CONFIRMING THE AWARD PASSED BY THE RESPONDENT 3 HEREIN DATED 21.03.2023 IN SO FAR AS PERTAINING TO CASE NO.C.DIS.ARB(3) NH.LAQ.CR.184/2021-22 AND ALLOW THIS APPEAL IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present appeal under Section 37(1)(c) of the Arbitration and Conciliation Act, 1996, has been filed aggrieved by the order dated 07.11.2024 passed by the IV Additional District Judge and Commercial Court, D.K., Mangaluru, ('**Commercial Court**' for brevity) in Arbitration Petition No.261 of 2023 filed by the appellant, challenging the award dated 21.03.2023 passed by the Deputy Commissioner/Arbitrator for National Highways in No.C.DIS.ARB(3) NH.LAQ. CR. 184/2021-22.

2. The appellant's land measuring 111 square meters (2.74 cents) in Survey No.62/2A1; 192 square meter (4.74 cents) in Sy.No.62/2A2 and land measuring 61 square meters (1.50 cents) in Sy.No.62/1A4 was acquired for widening of National Highway No.75 under Section 3A(1) of the National Highways Act, 1956 vide notification dated 07.07.2020.

3. The said notification was approved by the Government of India and final notification dated 01.09.2020 came to be issued under Section 3D(1) of the National Highways Act.

4. The Land Acquisition Officer had awarded compensation @ Rs.2,03,887/- for all three different survey numbers. However, the respondent No.3/Arbitrator (National Highways)/Deputy Commissioner passed the award on 21.03.2023 by enhancing the award amount at Rs.2,52,798/- for residentially converted land and for commercially converted land Rs.2,85,470/-. The enhanced compensation of Rs.25,00,000/- has been accepted by the claimant. Though the claimant has claimed the compensation at the rate of Rs.15,00,000/- per cent, however, he did not produce any

document to suggest that the land would fetch that much value. The learned Arbitrator has noted this in the award as well as the Commercial Court has also given its consideration for not producing any document to support the enhanced claim at the rate of Rs.15,00,000/- per cent.

5. We find no ground to interfere with the impugned order passed by the Commercial Court and therefore, we ***dismiss*** this appeal without costs.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

KNM
List No.: 1 Sl No.: 18