HC-KAR

NC: 2026:KHC:59633-DB
MFA No. 1141 of 2026

CNR: KAHC010101482026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

MISCELLANEOUS FIRST APPEAL NO.1141/2026 (AA)

BETWEEN:

THE SPECIAL LAND ACQUISITION OFFICER
AND COMPETENT AUTHORITY,
(NHAI) NH-209, MALAVALLI.

...APPELLANT

(BY SRI. B V PRAKASHA ANGADI, ADVOCATE)

AND:

1. SRI. M SHIVALANKARAPPA
   S/O LATE MAHANTHADEVARU
   AGED ABOUT 50 YEARS
   R/AT OLD ANGALLI VILLAGE,
   LINGAIAHTHARABEEDHI, KOLLEGALA TALUK.

2. THE ARBITRATOR AND DEPUTY COMMISSIONER,
   CHAMARAJANAGARA DISTRICT
   CHAMARAJANAGARA-571 313.

...RESPONDENTS

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

THIS MFA FILED UNDER SECTION 37(1)(c) OF THE ARBITRATION AND CONCILIATION ACT, 1996, AGAINST THE JUDGMENT DT. 01.12.2025 PASSED IN A.P.NO.32/2022 ON THE FILE OF THE PRL DISTRICT AND SESSIONS JUDGE, CHAMARAJANAGAR, DISMISSING THE PETITION FILED U/S.34 OF THE ARBITRATION AND CONCILIATION ACT R/W ORDER 7 RULE 1 OF CPC.

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

CNR: KAHC010101482026

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 (**'the Act'** for brevity), has been preferred by the National Highways Authority of India, impugning the judgment and order dated 01.12.2025 passed by the Principal District and Sessions Judge, Chamarajanagar, in Arbitration Petition No.32 of 2022 filed under Section 34 of the Act.

2. The respondent's land bearing Survey No.248/D Block Y measuring 705 square meters and land in Survey No.248/E Block Y measuring 1000 square meters situated at Harale Village, Kollegala Taluk were acquired by the Government of India for widening National Highway No.209, vide notification under Section 3A(1) of the National Highways Act, 1956.

3. The Special Land Acquisition Officer passed the award determining the compensation as per the circular issued by the Ministry of Road Transport and Highways and National Highways Authority of India Headquarters.

4. The respondent being dissatisfied by the award of compensation for his land, approached the Arbitrator. The Arbitrator determined the compensation afresh by giving multiplication of factor 1.5 as per the circular issued by the Government of Karnataka and 100% solatium, 12% additional market value from the date of publication of the notification till date of award and further interest at the rate of 9% from the date of passing of the award till realization of the amount.

5. The said order passed by the Arbitrator came to be challenged by the National Highways Authority of India in Arbitration Petition No.32 of 2022 under Section 34 of the Act. The learned Sessions Judge framed the following 2 points for consideration:

"(i) Whether there is a ground to condone the delay in filing the appeal?

(ii) Whether the petitioner has made out ground to set aside the order passed by the Arbitrator?"

The learned Sessions Judge condoned the delay, however, did not interfere with the award of the Arbitrator.

6. We have gone through the impugned order passed by the learned Sessions Judge. We do not find that there is any ground existing as provided under Section 34(2)(a) or (b) of the Arbitration and Conciliation Act, to interfere with the impugned order passed by the learned Sessions Judge. Therefore, we ***dismiss*** this appeal.

In view of disposal of the appeal, pending interlocutory applications, if any, do not survive for consideration. Hence, they stand disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

KNM/List No.: 1 Sl No.: 32