

MHAK010004632026



Civil M.A.No. 66/2026

National Highways Authority of India Vrs. Sau. Pratibha
Navalkishor Kedia & others.

ORDER BELOW EX. 05.

(Date : 24.07.2026)

By this application, applicant is seeking stay to the execution of award dated 31.07.2024 passed in Arbitration Case - **No. 176/NH-06/WASHIMBA/TQ. DIST. AKOLA /2017 (OLD NO. 218/NH-06/WASHIMBA/TQ. DIST. AKOLA /2013)**

2) Ld. Advocate for the applicant submitted that the award is challenged by the applicant on various law points to be urged at the time of final hearing of the application. He submitted that the applicant has a good prima facie case for grant of interim relief / stay. Balance of convenience also lies in their favour and irreparable loss would be caused to them, if stay is not granted. Hence, prayed for stay.

3) Non applicant no.1 has filed reply (Ex.17) to the application for stay and submitted that the application is not maintainable. It is denied that the arbitral award is against the notions of justice, morality and is liable to be set aside. Every land acquisition legislation is intended to be a welfare legislation aimed at providing just and fair compensation to the land losers in a short period. It would be travesty of justice, if the land loser is made to wait for a longer period to receive just and fair compensation. Thus, he has prayed for rejection of the application.

4) Non applicant Nos.2 and 3 have not filed say.

5) Perusal of the award shows that it is for the payment of money. Section 36 (3) of the Arbitration and Conciliation Act provides that for stay of the award, court to give due regard to the provisions of grant of stay of money decree under the Code of Civil Procedure. Prima facie there is executable award which is a kin to money decree. It is just and necessary that appropriate security is obtained while staying the impugned award. It appears that in some other similar cases, the stay petitions have been allowed subject to the applicant therein i.e. present applicant, depositing 50% of the total award amount. There can be no reason to take a different view in the present matter. Enforcement of the award, therefore, can be stayed subject to the applicant depositing 50% of the total award amount. Hence, the following order.

ORDER

The execution of the impugned award is hereby stayed subject to deposit of 50% of the total award amount by the applicant in this court on or before **17.10.2026**.

Date:- 24.07.2026.

[D.P. Satawalekar]
Principal District Judge, Akola.

S.R. Tayade (Stenographer Grade-III).