

Civil M. A. No.157/2021
(NHAI Vs. Harishchandra)

Order below Exh.53

This application is filed on behalf of NHAI to continue the stay granted by this Court vide interim orders dated 12.2.2026 and 8.5.2026.

2. Yesterday, this Court has dismissed the application filed by NHAI u/s.34 of Arbitration and Conciliation Act challenging the enhancement of compensation by Arbitrator. While dismissing the proceedings, this Court has observed that interim order dated 8.5.2026 stands vacated and respondent no.1 was granted liberty to approach executing Court for withdrawal of amount.

3. This Court had passed conditional order dated 12.2.2026 directing NHAI to deposit 50% of enhanced amount. Accordingly, NHAI complied with said condition and the conditional stay was confirmed by order dated 8.5.2026 and the execution proceedings in Arbitration R. D. No.13725/2025 were stayed till further orders.

4. Adv. Sakolkar submits that yesterday this Court has delivered Judgment which was completed late in the evening and therefore, they could not make request to this Court to continue the interim order so that they can file appeal u/s.37 before Hon'ble High Court.

5. Shri Sakolkar informed that he has intimated the Advocates for respondent no.1, Adv. Palodkar and Adv. Sormare, that he has filed application for continuation of stay and matter is taken on

board. Despite intimation, there is no appearance on behalf of Advocate for respondent no.1. This Court is waiting since more than half an hour, but none appears for respondent no.1. Matter has been called out repeatedly.

6. This Court finds that NHAI has legal right to challenge the Judgment of this Court u/s.37 of A & C Act before Hon'ble High Court. The interim orders passed by this Court on 12.2.2026 and 8.5.2026 were in force till yesterday evening. In the facts and circumstances, since NHAI wants to approach Hon'ble High Court, interim stay of Arbitration R. D. No. 13725/2025 is continued for 4 weeks from today. It is made clear that this interim order shall stand vacated automatically after 4 weeks.

7. When the dictation of order was on the verge of completion, Adv. Sormare entered the Court and submitted that he will file detailed reply to application for continuation of stay. When this court asked Shri Sormare whether any action for withdrawal of amount has been taken in Arbitration R.D., he submits that he is not aware since some other advocate is appearing in that matter. In view of this statement, I do not find any reason to adjourn the matter for reply. No oral submissions have been made to oppose the prayer for continuation of stay. Application is disposed of in terms of paragraph no.6 of this order.

Date: 21-7-2026

(G. R. Agrawal)
Principal District Judge,
Aurangabad.