

Received on : 13.03.2024.

Registered on : 13.03.2024.

Decided on : 25.03.2026.

Duration : YY MM DD

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
BHAVNAGAR**

Miscellaneous Civil Application No. 25 / 2024

1. **Shambhubhai Meghjibhai**
Aged : 49 years, Occu. : Agriculturist,
Address : Budhel, Tal. Dist. Bhavnagar.
.. .. APPLICANT

Miscellaneous Civil Application No. 26 / 2024

1. **Ghanshyambhai Karshanbhai**
Aged : 47 years, Occu. : Agriculturist,
Address : Budhel, Tal. Dist. Bhavnagar.
.. .. APPLICANT

Miscellaneous Civil Application No. 27 / 2024

1. **Rameshbhai Keshavbhai**
Aged : 60 years, Occu. : Agriculturist,
Address : Budhel, Tal. Dist. Bhavnagar.
.. .. APPLICANT

Miscellaneous Civil Application No. 28 / 2024

1. **Legal heir of deceased Laxmanbhai Naranbhai
Gopalbhai Laxmanbhai Moradiya**
Aged : 49 years, Occu. : Agriculturist,
Address : Budhel, Tal. Dist. Bhavnagar.
.. .. APPLICANT
-

Miscellaneous Civil Application No. 29 / 2024

1. **Jemalbhai Mulabhai**
Aged : 48 years, Occu. : Agriculturist,
Address : Budhel, Tal. Dist. Bhavnagar.
.. .. APPLICANT
-

Miscellaneous Civil Application No. 30 / 2024

1. **Babubhai Devjibhai**
Aged : 64 years, Occu. : Agriculturist,
Address : Budhel, Tal. Dist. Bhavnagar.
.. .. APPLICANT
-

Miscellaneous Civil Application No. 31 / 2024

1. **Batukbhai Raghavbhai**
Aged : 62 years, Occu. : Agriculturist,
Address : Budhel, Tal. Dist. Bhavnagar.
.. .. APPLICANT
-

Miscellaneous Civil Application No. 32 / 2024

1. **Mohanbhai Manjibhai**
Aged : 58 years, Occu. : Agriculturist,
Address : Budhel, Tal. Dist. Bhavnagar.
.. .. APPLICANT
-

Miscellaneous Civil Application No. 34 / 2024

1. **Jivrajbhai Ranchodbhai**
Aged : 50 years, Occu. : Agriculturist,
Address : Budhel, Tal. Dist. Bhavnagar.
.. .. APPLICANT
-

Miscellaneous Civil Application No. 35 / 2024

1. **Legal heir of deceased Vallabhbhai Valjibhai Vasani**
 - 1/1. **Madhuben Vallabhbhai Vasani**
Aged : 64 years, Occu. : Agriculturist.
 - 1/2. **Ashmitaben Vallabhbhai Vasani W/O. Bharatbhai Gorsiya**
Aged : 51 years, Occu. : Agriculturist.
 - 1/3. **Pareshbhai Vallabhbhai Vasani**
Aged : 47 years, Occu. : Agriculturist.
 - 1/4. **Bhartiben Vallabhbhai Vasani W/O. Ravibhai Viradiya**
Aged : 45 years, Occu. : Agriculturist.
 - 1/5. **Alpaben Vallabhbhai Vasani W/O. Rajeshbhai Dhameliya**
Aged : 41 years, Occu. : Agriculturist.
 - 1/6. **Manishaben Vallabhbhai Vasani W/O. Sanjaybhai Kukadiya**
Aged : 39 years, Occu. : Agriculturist.
2. **Limbabhai Valjibhai Vasani**
Aged : 62 years, Occu. : Agriculturist.

All residing at Budhel, Tal. Dist. Bhavnagar.

.. .. **APPLICANTS**

VERSUS

1. **Competent Authority, National Highway Authority & Dy. Collector Shri,**
Bhavnagar.
2. **Project Director Shri**
National Highway Authority of India,
Address : 203 / 204 / 205, Business Link Arcade,
Opp. Prayosha Residency, 150 Ft. Ring Road,
Bhavnagar.

.. .. **OPPONENTS**

Appearance :-

Mr. R.C.Rathod, Learned Advocate for the applicant

Mr. M.H.Maheta, Learned APP for the opponents

:: COMMON JUDGMENT ::

1. Being aggrieved by and dissatisfied with the Award dated 30.11.2021 passed by the Competent Authority under Section 3G(1) of the National Highways Act, 1956 (hereinafter referred to as "the NHA"), which came to be confirmed by the learned Arbitrator vide Award dated 18.12.2023 passed under Section 3G(5) of the NHA, the present applicants have preferred the above-captioned ten applications under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "the A&C Act"). Since all ten applications, being CMA Nos. 25, 26, 27, 28, 29, 30, 31, 32, 34 and 35 of 2024, arise from the same acquisition proceedings, involve the same parties, assail the same impugned Award, and raise common questions of fact and law, they were heard together and are being disposed of by this common judgment and order. The facts stated hereinafter are drawn from CMA No. 25 of 2024, which is treated as the lead matter, and the findings recorded herein shall apply mutatis mutandis to CMA Nos. 26, 27, 28, 29, 30, 31, 32, 34 and 35 of 2024. The only distinction between the ten applications is the extent and survey number of the respective pieces of irrigated

agricultural land situated in village Budhel, Taluka and District Bhavnagar, acquired from the applicants, the details whereof are as under:

CMA Numbers	Survey No.	Area of Acquired Land
CMA No. 25 of 2024	Survey No. 215 Paiki 1	00-10-20 Sq. Mtrs.
CMA No. 26 of 2024	Survey No. 221 Paiki 3	00-09-46 Sq. Mtrs.
CMA No. 27 of 2024	Survey No. 218 Paiki 7	00-11-50 Sq. Mtrs.
CMA No. 28 of 2024	Survey No. 217 Paiki 1	00-36-99 Sq. Mtrs.
CMA No. 29 of 2024	Survey No. 216 Paiki 2	00-14-15 Sq. Mtrs.
CMA No. 30 of 2024	Survey No. 218 Paiki 6/1	00-06-01 Sq. Mtrs.
CMA No. 31 of 2024	Survey No. 219 Paiki 3	00-13-64 Sq. Mtrs.
CMA No. 32 of 2024	Survey No. 215 Paiki 3 and Survey No. 221 Paiki 4	00-08-23 Sq. Mtrs. and 00-11-30 Sq. Mtrs. respectively
CMA No. 34 of 2024	Survey No. 218 Paiki 6	00-06-46 Sq. Mtrs.
CMA No. 35 of 2024	Survey No. 215 Paiki 2	00-11-11 Sq. Mtrs.

2. The learned Advocate for the applicants, who are the original land owners, submitted that the Statements of Claim were filed by the applicants immediately after passing of the Award by the Competent Authority and thereafter notice was issued upon the Acquiring Authority and the Competent Authority, and the matters were fixed for hearing on 17.08.2023. On that date, the learned Advocate for the applicants was present and the learned Advocate for Opponent No. 1 was also present, whereas the learned Advocate for Opponent No. 2 filed Vakalatnama along with an undertaking. Since Opponent No. 2 expressed its intention to file a Written Statement, the matters were adjourned to 31.08.2023. On 31.08.2023 and again on 21.09.2023, the matters could not be taken up as the learned Collector was not available. On 22.09.2023, Respondent No. 2 filed its Written Statement, and the learned Advocate for the applicants sought time, whereupon the matters were adjourned to 12.10.2023. On 12.10.2023, in the absence of the learned Advocate for the applicants, the matters were fixed for arguments, and the learned Advocate for the applicants was compelled to file Written Arguments. Accordingly, an endorsement was made by the learned Advocate for the applicants on the Statements of Claim to the effect that the Statements of Claim may be treated as his Written Arguments. The matters were thereafter fixed for passing of the final order, and accordingly, the learned

Arbitrator passed the impugned Award dated 18.12.2023, which is the subject matter of challenge before this Court. The learned Advocate for the applicants further submitted that all the lands in question are situated in village Budhel, and that other land owners whose lands were acquired in connection with the Notifications issued under Section 3A of the NHA dated 16.02.2014 and 03.06.2017 have been awarded higher compensation than what has been determined by the learned Competent Authority and confirmed by the learned Arbitrator in the present matters, and on that count also, the above-captioned matters are required to be remanded to the learned Collector for fresh consideration.

3. Per contra, the learned Advocate appearing jointly for the present respondents submitted that it is not true that sufficient opportunity was not afforded to the applicants before the learned Arbitrator, and that it is equally not true that the land owners whose lands were acquired pursuant to the Notifications issued under Section 3A of the NHA dated 16.02.2014 and 03.06.2017 had received higher compensation in comparison to what has been awarded to the present applicants. On the aforesaid grounds, the learned Advocate for the respondents urged that the present applications deserve to be dismissed.

4. Having heard the learned Advocate for the applicants and the learned Advocate for the respondents and upon perusal of the record and proceedings of the present applications, the following points arise for my determination and I record my findings thereon for the reasons stated hereinafter:

1. Whether sufficient opportunity was afforded to the applicants to produce oral and documentary evidence before the learned Arbitrator?

2. What order?

5. My findings for the aforesaid points are as under :

1. In the negative.

2. As per final order.

:: REASONS ::

POINT NOS.1 & 2 :-

6. It is not in dispute that after the Statements of Claim were filed by the applicants, the matters were adjourned to enable the respondents to file their reply, and accordingly, Respondent No. 2 filed its Written Statement on 22.09.2023. Thereafter, the matters were adjourned to 12.10.2023. On 12.10.2023, when the matters were called out, the learned Advocate for the applicants was not present, and therefore,

the learned Arbitrator proceeded to take up the matters for passing of the final Award. After the aforesaid order was passed, the learned Advocate for the applicants appeared before the learned Arbitrator and was directed to submit Written Arguments, consolidation application, and documentary evidence. Since the learned Advocate for the applicants was not in possession of the necessary documents on that date, he made an endorsement on the Statements of Claim to the effect that the Statements of Claim may be treated as his Written Arguments. Based on the said endorsement, the learned Arbitrator placed all the above-captioned matters for passing of the Award, and ultimately, the impugned Award dated 18.12.2023 came to be passed by the learned Arbitrator.

7. A bare perusal of the record and proceedings, including the daily order sheet, makes it evident that the applicants were not afforded proper opportunity to produce oral and documentary evidence in support of their case before the learned Arbitrator. It was the specific case of the applicants that the land owners whose lands were acquired pursuant to the Notifications issued under Section 3A of the NHA dated 16.02.2014 and 03.06.2017 had received higher compensation for irrigated agricultural land than what has been awarded in the present matters, wherein compensation has been awarded at the rate of only Rs.475/- per Sq. Mtr.

for irrigated agricultural land, and accordingly, the applicants sought award of similar compensation. However, this Court does not have any documentary evidence on record to arrive at a conclusion as to whether the applicants have in fact received lesser compensation in comparison to those land owners whose lands were acquired under the Notifications dated 16.02.2014 and 03.06.2017. As noted hereinabove, the opportunity to place on record the Awards passed pursuant to the said Notifications dated 16.02.2014 and 03.06.2017 was not extended to the applicants, and straightaway upon filing of the Written Statement by the respondents, the matters were taken up for passing of the final Award. In the considered view of this Court, the impugned Award passed by the learned Arbitrator is in violation of the principles of natural justice, and therefore, without entering into the merits of the matters, this Court deems it fit and proper to remand all the above-captioned matters to the learned Arbitrator for decision afresh. It is further observed that the learned Arbitrator shall extend sufficient opportunity to both the parties to lead oral as well as documentary evidence, and upon due consideration of the evidence that may come on record, the learned Arbitrator shall pass the final Award as expeditiously as possible. In view of the aforesaid discussion, Point No. 1 is answered in the Negative, and the following final order is passed in respect of Point No. 2:

:: ORDER ::

1. In light of the aforesaid findings, all the above-captioned Civil Miscellaneous Applications, being CMA Nos. 25, 26, 27, 28, 29, 30, 31, 32, 34 and 35 of 2024, are hereby allowed. The impugned Award dated 18.12.2023 passed by the learned Arbitrator, National Highway-8-E and Collector, Bhavnagar is hereby quashed and set aside. All the above-captioned matters are remanded to the learned Arbitrator for decision afresh in accordance with law.
2. The learned Arbitrator is directed to extend sufficient opportunity to both the parties to lead oral as well as documentary evidence, including the Awards passed pursuant to the Notifications issued under Section 3A of the National Highways Act, 1956 dated 16.02.2014 and 03.06.2017, and after due consideration of the evidence that may come on record, the learned Arbitrator shall pass the final Award as expeditiously as possible.
3. The record and proceedings of the above-captioned Arbitration Applications, if any, shall be returned to the learned Arbitrator forthwith.
4. It is clarified that this Court has not expressed any opinion on the merits of the claims of the applicants, and the learned Arbitrator shall decide the matters afresh uninfluenced by anything observed in this order.
5. CMA Nos. 25, 26, 27, 28, 29, 30, 31, 32, 34 and 35 of 2024 stand disposed of accordingly.

6. A copy of this common judgment and order shall be placed on the record of each of CMA Nos. 25, 26, 27, 28, 29, 30, 31, 32, 34 and 35 of 2024.
7. No order as to costs.

Dictated and pronounced and signed in the open Court today this 25th day of **March, 2026** at Bhavnagar.

Date : 25.03.2026
Bhavnagar.

[**H.S.MULIA**]
PRINCIPAL DISTRICT JUDGE,
BHAVNAGAR.
UNIQUE ID CODE NO. GJ00915

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