

MHBU120005112025



Arb.Reg.D. No.227/2025

Vinayak Waman Dhamodkar

V/s.

The Competent Authority + 01

ORDER BELOW EXH.10

Read the objection and reply (Exh.11) filed thereon by the decree holder. Heard the Ld. Advocate of the D.H. None remained present for the J. D. No.02.

02. It is submitted by the J.D. No.02 that he has preferred appeal before the Hon'ble District Judge, Malkapur under Section 34 of the Arbitration and Conciliation Act, 1996 (In short "the Act of 1996") against the arbitral award passed by the arbitrator in the present proceeding. As per Rule 3(b) of the National Highways (manner of depositing the amount by the Central Government making requisite funds available to the competent authority for acquisition of land) Rules, 2019 (In short "The National Highways Rules, 2019") the D.H. is not entitled to get enforcement and execution of the impugned arbitral award. Thus, unless and until the supra proceeding under Section 34 of the Act of 1996 is decided by the competent Court enhanced amount of compensation and interest cannot be paid to the D.H.

03. On the other hand, it is submitted by the D.H. that as per section 36(3) of the Act of 1996 the Hon'ble District Court is having power to grant stay to the money decree as per the provisions of the Code of Civil Procedure, 1908. The filing of appeal shall not operate as a stay to the present proceeding. Unless

the J.D. deposits the amount or furnishes the security, the Court cannot make order staying the execution proceeding. In the matter in hand, the J.D. has not deposited any amount nor furnished security. He has also not obtained stay order from the Hon'ble District Court. He is not having prima facie case, balance of convenience in his favour nor he would suffer irreparable loss. Thus, he prayed for rejection of the objection.

04. Basically, the J.D. No.02 has filed the present objection on the basis of Rule 3(b) of the National Highways Rules, 2019. I have carefully read the above Rule. As per the said provision, where the amount is determined by the arbitrator under sub-section 7 of section 3(g) of the Act of 1996 is in excess of the amount determined by the competent authority, the said amount together with interest if any awarded by the arbitrator within 30 days of the communication of the arbitral award, unless such award has been further challenged by either of the aggrieved parties. In the matter in hand, record shows passing of the arbitral award on **18/04/2024**. Importantly, the present objection nowhere shows that within 30 days of the communication of said award, appeal has been preferred by the J.D. No.02. Besides this it is material to note that J.D. No.02 has not even mentioned the Civil Misc. Appeal Number preferred by him in the Hon'ble District Court, Malkapur in the present objection.

05. Moreover, it is not the case of the J.D. No.02 that he has got stay to the present proceeding in the said appeal preferred before the Hon'ble District Court, Malkapur. In the backdrop of above discussion, the objection preferred by the J.D. No.02 is not tenable in the eyes of law as claimed by the D.H. Accordingly, the objection (Exh.10) stands rejected.

Place - Malkapur

Date – 02/07/2026

(Sunil S. Mahale)
Jt. Civil Judge, Senior
Division, Malkapur

CERTIFICATE

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Judgment or Order.

Name of the Jr. Clerk	:-	Shri. G.P. Kharat, (Steno-3)
Name of the Court	:-	Jt.CJSD & ACJM. Malkapur,
Judgment / Order dictated on	:-	02/07/2026.
Judgment / Order delivered on	:-	02/07/2026.
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