

IN THE COURT OF DISTRICT JUDGE – 1 AT MALKAPUR, DISTRICT BULDHANA.	
CIVIL MISCELLANEOUS APPLICATION NO. 252/2025	
CNR–MHBU11-000530-2024 	National Highway Authority of India - Versus - Sulbha Kashiram Chopade + 2

ORDER BELOW EXH. 05

(Date of Order 08th May, 2026)

This is an application for grant of stay on arbitral award. Non applicant No.1 resisted it by filing say at Exh.16. Read the application and say. Heard both sides. Perused the record.

2. The certain land belonging to non applicant No.1, came to be acquired for widening the national highway. The Competent Authority i.e. Land Acquisition Officer determined the compensation of the land. The non-applicant filed proceeding under section 3G(5) of the National Highways Act, 1956 before learned Additional Commissioner and National Highway Arbitrator, which

Judge

enhanced the rate almost more than double of the rate determined by L.A.O. The said arbitral award came to be challenged in the present proceeding inter alia seeking stay on the said award.

3. Learned Advocate for the applicant submitted that, the arbitration award is excessive in nature and the applicant has every chance of success. He further submitted that if the arbitral award is executed, the present proceeding would become infructuous. He further submitted that there are thousands of award of similar nature and the National Highway Authority is not in position to deposit such excessive amount of the award. He prayed for stay.

4. On the other hand, learned Advocate for non-applicant No.1 submitted that, the arbitrator followed the due procedure and considered all the aspect of the case; and also the material/evidence produced by both the parties. He further submitted that therefore the present proceeding is abuse of process of law and devoid of any merit. He further submitted that, if the stay is granted, the applicant may be directed to deposit 50% of the award

amount. In support of the submission, he relied on the decision of Project Director, National Highways Authority of India Vs. Saraswatibai Chandrakant Shinde and others (2022 SCC online SC 1115), Shiv Sham Vs. Competent Authority/Special Land Acquisition Officer, (Special Leave to Appeal (C) No. 11327/2019 – arising out of Judgment and Order dated 15/04/2019 in L.A. No.9292/2019 passed by the Hon'ble High Court of Judicature at Allahabad Lucknow Bench) and National Highways Authority of India Vs. Sheetal Jaidev Vade and others (2022 Live Law(SC) 705).

5. I have considered the rival submissions. I have gone through the aforesaid rulings. It may be noted that, the arbitrator enhanced the rate almost double of the rate determined by the competent authority. The present matter will require detail consideration. There is triable issue. Therefore, there is a case of stay. According to the provisions of the National Highway Act, 1956, the entire amount of the award is to be deposited by the applicant at the time of filing the proceeding under Section 34 of the Arbitration and Conciliation Act of 1996. However while interpreting the said provisions, the aforesaid rulings

Judge

permitted the National Highway Authority to deposit 50% amount of the award. This position is also not disputed by the contesting the non applicant. Therefore it would be just and proper to grant stay on condition that the applicant shall deposit 50% amount of award within one month. Accordingly, I pass the following order :-

ORDER

1. Application Exh. 5 (Stay Application) is allowed.
2. Execution and operation of the impugned Arbitration Award is hereby stayed on a condition that the applicant shall deposit 50% amount of the award within a month i.e. on or before 11/06/2026.
3. Non-applicant No. 1 is entitled to withdraw the said amount.
4. Application is disposed off accordingly.

Malkapur.
Dated – 08/05/2026.

(Purushottam B. Jadhav)
District Judge – 1,
Malkapur.

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CERTIFICATE

I certify that this order's P.D.F. file uploaded is a true and correct copy as per original signed order.

Name of Court	:	District Judge – 1, Malkapur.
Name of Stenographer	:	Miss H.D Chaudhari, Stenographer Grade I.
Date of order	:	08/05/2026.
Date of Uploading	:	08/05/2026.