

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, THRISSUR

Present:

Sri. Sasi Kumar P.S., Principal District Judge.

Saturday, 6th day of June, 2026/16th Jaishatam, 1948 S.E.

IA.01/2026 in OP(Arbitration):112/2026

Petitioner:-

National Highways Authority of India, PIU (NHAI),
Neithalai Road, Kakkanad, Ernakulam-682030
rep.by its Project Director on behalf of Union of India.

By Adv. Sri. T.P. Saju

Respondents:-

- 1 Sivaprakasan, S/o Sivaraman, Puthur House,
Kaipamangalam, Thrissur-680 681.
- 2 The Special Deputy Collector, SLAO & CALA,
NHDP, Kodungallur, Thrissur District.

This petition filed under Section 36(3) of Arbitration and Conciliation Act, 1996 to stay the execution of the award having No.191/2025 passed by the Arbitrator dated 23.06.2025 till the disposal of the petition.

This petition is coming on this day for hearing, the court passed the following:-

ORDER

This is a petition under Section 36(3) of the Arbitration and Conciliation Act, 1996 to stay the operation of the impugned arbitral award having No.191/2025 dated 23.06.2025 passed by the Arbitrator.

2. Brief statement of facts are, the petitioner herein is the

respondent in Arbitration Case having Award No. 191/2025 dated 23.06.2025 passed by the Arbitrator. By virtue of the impugned award, the respondent is liable to pay an excess amount of Rs.91,481/- and interest at the rate of 9% per annum on the total excess amount given above from the date of taking possession of the land to the date of deposit of the enhanced amount as per Sub Section 5 of Section 3H of the NH Act, 1956. Aggrieved by the said impugned award, the present O.P. is filed u/s.36(3) of the Act. *Inter alia* it is contended that the arbitral award is against the facts and circumstances of the case and transaction, the learned Arbitrator failed to appreciate the facts in a proper and befitting manner. The petitioner further urged that the impugned award itself is not sustainable under law and facts. The same is liable to be set aside. In the present petition it is contended that if such an unsustainable award is executed, that will cause much irreparable injury to the petitioner. Therefore prayed to stay the operation of the impugned award.

3. I have heard counsel for the petitioner and perused the records including the impugned award and the petition filed u/s.36(3) of the Arbitration and Conciliation Act and also the affidavit filed in the present petition. Having gone through those documents and upon hearing the

learned counsel for the petitioner at this stage this court found that there are good case to contest in the O.P. That be so if the impugned award is executed that will cause much irreparable loss and injury to the petitioner. Moreover the O.P. itself become infructuous. Hence this court found that there are reasonable and sufficient grounds to stay the operation of the impugned award. Therefore the operation of the impugned Arbitration Case having Award No. 191/2025 dated 23.06.2025 passed by the Arbitrator is stayed for a period of three months.

(Dictated to the Confidential Assistant, transcribed by him, corrected by me and pronounced in open court on this the 06th day of June, 2026.

Sd/-

**SASI KUMAR P.S.,
PRINCIPAL DISTRICT JUDGE.**

/true copy/

By Order,

Sheristadar(I/C)