

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, THRISSUR

Present:

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

Monday, the 15th day of June, 2026/25th Jyaishtam, 1948 S.E.

I.A. 01/2026 in OP(Arb.) No.123/2026

Petitioner:-

National Highways Authority of India,
PIU(NHAI) Neithalai Road, Kakkanad, Ernakulam,
Kerala-682 030, rep. by its Project Director
on behalf of Union of India.

By Adv. T.P. Saju

Respondents:-

1. Prathapan, Parayil,
Chenthraappinni, Thrissur-680 687.
2. The Special Deputy Collector,
SLAO &CALA, NHDP, Kodungallur, Thrissur District.

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.202/2025 dated 27.06.2025 passed by the Arbitrator.

2. Brief statement of facts are, the petitioner herein is the respondent in Arbitration Case having Award No. 202/2025 dated 27.06.2025 passed by the Arbitrator. By virtue of the impugned award,

the respondent is liable to pay an excess amount of ₹4,59,643/- and interest at the rate of 9% per annum on the total excess amount 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. 202/2025 dated 27.06.2025 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 15th day of June, 2026.

sd/-
SASI KUMAR P.S.
PRINCIPAL DISTRICT JUDGE.

/true copy/

By Order,

Sheristadar

Copied by: Jancy George
Compared by: Sheena P.B.