

**ARBITRATION CASE NO.286/2021.**  
**(CNR Number: MHLA-01-002006-2021)**

**ORDER BELOW EXH.NO.20**

(Parwatibai V/s. The Competent Authority & Ors.2 )

1] This application is preferred by the applicant under section 9 of The Arbitration and Conciliation Act, 1996, for direction to Respondent No.2 - National Highways Authority of India to deposit the entire amount awarded by the Competent Authority of land acquisition as per award bearing No.2016/Land Acquisition/NH-361/CR-22 dated 09.07.2018.

2] The Respondent No.2 by filing his say vide Exhibit-25 has come with the case that the amount determined by the Arbitrator has been deposited by the present Respondent with the Competent Authority and prayed for rejection of this application.

3] Heard both the sides.

4] Perused Record and Proceeding.

5] It appears that, the applicant is land owner whose land has been acquired for the purpose of National Highways No.361. The Respondent No.1/Competent Authority of Land Acquisition (CALA) has passed an award bearing No.2016/Land Acquisition/NH-361/CR-22 on 09.07.2018, and thereby granted compensation at the rate of Rs.2902/- per square meter.

6] The Respondent No.2 preferred an application under section 3(G) (5) of the National Highways Act, 1956, before Collector Latur and Arbitrator of National Highways Authority of India at Latur to challenge the award passed by C.A.L.A./Respondent No.1.

7] The applicant also filed his counter claim in the said proceeding, for enhancement of award for Rs.15,000/- per square meter.

8] The Arbitrator/Respondent No.3, rejected the counter claim preferred by the applicant and reduced the award of compensation awarded by Respondent No.1 and fixed the rate of Rs.679/- per square meter, by its order/award dated 25.11.2020.

9] Being aggrieved and dissatisfied by the said award, the applicant has preferred this proceeding under section 34 of The Arbitration and Conciliation Act, 1996, challenging the award dated 25.11.2020.

10] In this proceeding by this interim application under section 9 of The Arbitration and Conciliation Act, 1996, the Applicant has prayed for direction to Respondent No.2/National Highways Authority of India to deposit entire amount awarded by C.A.L.A. as per award bearing No.2016/Land Acquisition/NH-361/CR-22 dated 09.07.2018.

11] The Respondent No.2 has challenged the maintainability of this application under section 9 of The Arbitration and Conciliation Act, 1996.

12] As the maintainability of this application is challenged by the Respondent No.2, it is necessary to give an opportunity to the applicant to make his submissions on this point. As well, as the respondent No.2 has come with the case that, it has deposited the amount awarded by the Arbitrator/Respondent No.3 as per award bearing No.2019/Arbitrator/NHAI/Ahmedpur/C.R.-192 dated 25.11.2020, it is necessary to know the better particulars of the same from Respondent No.2. Hence, the following order.

**ORDER**

(A) The application Exh.20 be kept for hearing of both the parties on the point of maintainability of this application Exh.20 under section 9 of The Arbitration and Conciliation Act, 1996, and for giving better particulars of deposit of awarded amount by Respondent No.2.

(B) This matter is adjourned for hearing on these points below Exhibit-20, with consent of both the parties, on 02.02.2022.

Sd/-

Latur.  
Date: 10.01.2022.

(Smt.S.S.Kosamkar)  
Principal District Judge,  
Latur.