



CIVIL M.A. NO. 476 OF 2022
[National Highways Authority of India Vs.
Ramdas Chavdas Kurkure & Ors]
ORDER BELOW EXH.06
(MHJG040027772022)

This is an application for stay to the execution and operation of arbitration award dated 18.02.2022 and revised award dated 14.03.2022 passed by Arbitrator and Collector, Jalgaon in Arbitration Case No.902/2015.

2. According to the applicant National Highway Authority of India, the land bearing **Gat No.77 area 1800 sq. mtr. and Gat No.71 area 1500 sq. mtr. from village Tighre, Tal. Dist. Jalgaon**, belonging to respondent No.1 is acquired by the applicant. The said land is acquired for the purpose of widening and maintaining the National Highways all over the nation. Competent Authority for Land Acquisition has determined the amount of compensation after following due procedure and conducting the inquiry and accordingly, the competent authority awarded compensation amount at the rate of **Rs.335/-** per sq. mtr. for agricultural land. Thereafter, respondents challenged award by filing an application before the Arbitrator. Learned Arbitrator passed award and allowed the application by enhancing the compensation amount by which Arbitrator awarded enhanced compensation of **Rs.2,017 per sq. mtr.** for agricultural land along with other reliefs i.e. easementary rights, damages etc.

3. Applicant further submitted that arbitration award as passed is excessive in nature, hence, he filed application under

Section 34 of the Arbitration & Conciliation Act for setting aside the award passed by Arbitrator or to modify it. It has better chances of success. In case, arbitration award is executed, then this application will become infructuous. Hence, submitted to stay the execution and operation of the arbitration award.

4. Respondent No.1 appeared and submitted his reply at Exh.15.

5. Respondent opposed the stay application and submitted that the Arbitrator, after considering all the legal requirements and conducting arbitration proceeding in fair manner awarded enhanced compensation as per the provisions of law. Also submitted that application is filed under Section 34 of the Arbitration & Conciliation Act is not maintainable on merit. Grounds are not legal one. Respondent No.1 prayed for rejection of the stay application. Alternatively respondent No.1 prayed that in the event of application being allowed, the condition of depositing 75% amount of arbitration award be imposed on the applicant.

6. Heard the arguments of Advocate for the parties at the length.

7. Record shows that the acquisition proceeding is initiated in the year **2013**. Initially, award is passed by Competent Authority, Land Acquisition at the rate of **Rs.335/-** per sq. mtr. and **Rs.2,017/-** per sq. mtr. The said land belonging to respondent No.1 is acquired for widening of National Highway No.6. Being aggrieved, respondent No.1 submitted an Arbitration Application before the Arbitrator. Learned Arbitrator passed

award and allowed the application by enhancing the compensation amount by which Arbitrator awarded enhanced compensation. Also awarded loss of easementary reliefs and loss on account of severance of land and damages etc.

8. As stated above, the acquisition proceeding is going on since last more than 13 years. Hon'ble Supreme Court in "Project Director National Highways Authority of India Vs. Sarswatibai Chandrakant Shinde and others", 2022 SCC OnLine SC 1115" ordered NHAI to deposit 50% of the amount and also to release the same amount unconditionally to the land owners. Further, in the case of Shiv Shyam Vs. Competent Authority/ Special Land Acquisition Officer" [Special Leave to Appeal (C) No(s) 11327 of 2019 (arising out of impugned final judgment and order dated 15.04.2019 in LA no.9292/2019 passed by the High Court of Judicature at Allahabad, Lucknow Bench) similar directions are given. As stated above, proceeding is against the Award passed by Arbitrator. Further, land of respondent No.1 is acquired for widening and construction of National Highways.

9. This main petition under section 34 may take its own course to adjudicate the same on merit. Under these circumstances, stay to the execution and operation to arbitration award can be granted only on the condition of depositing 50% amount of the award passed in the Court within one month from the date of this order. Respondent No.1 being land owner will be at liberty to withdraw the same on execution of undertaking. In this background, this application deserves to be allowed and following order is passed;

ORDER

- (i) Application Exh.06 is allowed.
- (ii) Execution and operation of the Arbitration Award dated 18.02.2022 and revised award dated 14.03.2022 passed by Arbitrator and Collector, Jalgaon in Arbitration Case No.902/2015 is stayed till decision of this petition on the condition of depositing 50% amount of award passed by the Arbitrator within a period of thirty days from the date of this order by the applicant in the Court.

Date: 29.06.2026.

(Smt. S. G. Shaikh)
District Judge-5, Jalgaon.