

Order below Exh.48A in Special Darkhast No. 185/2023

Uttam Anna Shelke

Vs.

Competent Authority and Spl. Land Acq. Officer etc.

The JD i.e. the National Highway Authority of India has filed this application to stay the attachment warrant issued against it for recovery of amount as per award.

2. It is contended that the JD has challenged the impugned award by filing of the petition under Section 34 of the Arbitration and Conciliation Act before the Hon'ble Principal District Judge, Satara. The Hon'ble Principal District Judge Satara granted stay to the execution of award subject to depositing 50% of the enhanced compensation amount. The National Highway Authority of India is an acquiring body and it has deposited the amount to the competent authority. The competent authority is going to deposit the amount before the Court within few days, so this application.

3. The DH filed the reply vide Exh.51 and strongly resisted this application by contending that the order of the Hon'ble Principal District Judge, Satara was subject to depositing 50% of the amount of award within two months. The said order was passed on 01.04.2024. Thereafter, the JD has not deposited the amount. So, there is no stay to the execution of the award. Further, the JD No.2 has still not deposited the

amount as per the warrant. Hence, urged to reject the application.

4. Heard the Ld. Advocate Shri. Laddha appearing for the JD No.2 on V.C. and the Ld. Advocate Smt. Gimvekar appearing for the DH.

5. The Ld. Advocate Shri. Laddha submitted that the National Highway Authority of India has deposited 50% amount with the competent authority and the competent authority will deposit that amount in the Court within few days. So, as per order dated 01.04.2024 passed by the Hon'ble Principal District Judge Satara there is stay for the execution of the award, so urged to stay the attachment warrant. It is further submitted that unless there is specific speaking order, the order dated 01.04.2024 about stay of the execution of the award cannot be said to be vacated and it is still in existence. To support his submissions, reliance is placed upon the judgment of the Hon'ble Apex Court in case of High Court Bar Association Allahabad Vs. State of U.P. in Criminal Appeal No.3589/2023 dated 29th February, 2024.

6. Per Contra, the Ld. Advocate for the DH submitted that the order dated 01.04.2024 passed by the Hon'ble Principal District Judge, Satara was subject to condition to deposit the amount within the period of two months. The said amount was

not deposited within stipulated period. So it cannot be said that there was stay order for execution of the award. It is further submitted that now the JD No.2 stating that the competent authority is going to deposit the amount in the Court of the Hon'ble Principal District Judge, Satara. Though such amount is deposited, but it is not deposited with the permission of the Hon'ble Principal District Judge, Satara. There is no stay order in existence and warrant cannot be stayed on such type of applications about assurance to deposit 50% amount. So urged to reject the application.

7. This Court carefully gone through the submissions from both the sides. So far as the order of Hon'ble Principal District Judge Satara below Exh.5 in Civil M.A.No.229/2022 is concerned, by the said order the National Highway Authority of India was directed to deposit 50% amount awarded by the impugned arbitral award dated 02.02.2022 including the interest accrued thereon till that date.

8. The plain reading of the said order shows that the stay was subject to condition to deposit 50% amount with interest accrued till the date within two months from that order. The said order was passed on 01.04.2024 and it was not complied within the period mentioned in the order. In such circumstances, it cannot be said that there was stay of the Hon'ble Principal District Judge Satara for the execution of the

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arbitral award. In such circumstances, the case law relied upon by the Advocate for the National Highway Authority of India (cited supra) is not helpful to the JD. Hence the following order.

Order

The application is hereby rejected.

(Dictated and pronounced in Open Court)

Wai

Date: 06.03.2026

(D.B.Mane)

District Judge-2, Wai.