

Arbitration Case No.29/2026

(NHAI Vs. Sk. Mehmood)

Order below Exh.5

This application is filed by NHAI u/s.9 of A & C Act along with affidavit for grant of stay to impugned Award. Adv. for NHAI informs that execution petition is pending before CJSD, Aurangabad and attachment warrant has been issued. She submits that original award is challenged in the present application and prays that the execution proceedings may be stayed. Respondent no.1 has appeared through Adv. Shri Patil.

2. After hearing both sides, I find that in similar cases, as condition for grant of stay, NHAI has filed undertaking to deposit 50% of compensation amount. No such undertaking is filed in this case.

3. It is relevant to note that in many similar cases, where NHAI has challenged enhancement of compensation u/s.34 of A & C Act, this Court has granted stay to NHAI on the condition to deposit 50% of enhanced amount with interest. As per proviso to sub-section (3) of S.36 of A & C Act, while considering application for stay in case of an arbitral award for payment of money, Court shall have due regard to be provisions of grant of stay of money decree under CPC.

4. In view of the orders passed in similar cases and aforesaid provision, I find that the execution proceedings can be stayed only if NHAI shows bona fide by depositing 50% of enhanced amount with interest in this Court within 4 weeks from today. If the amount is deposited as directed, the execution proceedings shall be stayed. **The application Exh.5 is disposed of.**

(G. R. Agrawal)

Principal District Judge,
Aurangabad.

Date: 13-8-2026