



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 WRIT PETITION NO.633 OF 2026

Hasratbi Usman Shaikh Died Her Lr Shamsunnisa Ejazuddin Shaikh

VERSUS

The Govt Of India Through The Deputy Secretary And Others

...

Mr. Suniket A. Kulkarni, Advocate for the Petitioner.

Mr. S. B. Narwade, AGP for Respondent No.2/State.

Mr. A. R. Borulkar, Advocate for Respondent Nos.1, 3 and 5.

Mr. D. S. Manorkar, Advocate for Respondent No.4.

...

AND

947 WRIT PETITION NO.673 OF 2026

Alka Prakash Deshmukh

VERSUS

The Union Of India Through The Deputy Secretary And Others

...

Mr. Suniket A. Kulkarni, Advocate for the Petitioner.

Mr. V. M. Kagne, AGP for Respondent No.2/State.

Mr. A. R. Borulkar, Advocate for Respondent Nos.1, 3 and 5.

Mr. D. S. Manorkar, Advocate for Respondent No.4.

...

CORAM : SMT. VIBHA KANKANWADI &

HITEN S. VENEGAVKAR, JJ.

DATE : 22 JANUARY 2026

ORDER :

. Heard learned Advocate for the petitioners both the petitions.

2. He submits that he is not pressing for prayer clause 'B'. He submits that in the similarly situated matters i.e. Writ Petition No.12055 of 2025 and companion matters decided by this Court on 16.12.2025 a speaking

order was passed and, therefore, similar order be passed in respect of this matter also.

3. Learned Standing Counsel waives notice for respondent Nos.1, 3 and 5 in both the petitions. Learned AGP waives notice for respondent No.2 in both the petitions. Learned Advocate Mr. A. R. Kurundkar waives notice for respondent No.4 in both the petitions.

4. Learned Advocate for respondent No.4 places on record the copy of order passed by Hon'ble Supreme Court on 18.12.2025 in Petition(s) for Special Leave to Appeal No.36306 of 2025, wherein the similar order passed in Writ Petition No.3249 of 2020 on 17.11.2025 at the Principal Seat is challenged. Hon'ble Supreme Court had directed respondent No.4 to deposit the entire arrears of solatium and interest payable to respondent No.1 before the competent authority and subject to deposit of amount, the direction for disbursement shall remain stayed. He wants accommodation to file affidavit-in-reply.

5. In view of our order in Writ Petition No.12055 of 2025, we have given specific directions and we are maintaining the same in respect of computation of the same. We had taken note of the review petition that has been filed before the Hon'ble Supreme Court, however, we have stated that till the review petition is decided, we are governed by the

decision in **Union of India and another Vs. Tarsem Singh and others**, [(2019) 9 SCC 304] and, therefore, there will not be a hurdle for asking the competent authority to compute and, therefore, we pass the following order :-

ORDER

(a) In the light of above, we direct the competent authorities to compute solatium and interest in accordance with the principles enunciated in the case of **Union of India and another Vs. Tarsem Singh and others (Supra)** within a period of six weeks from today.

(b) It is made clear that the petitioners shall assist the competent authorities by producing all relevant documents and upon verification of the same, the competent authorities shall proceed further. It is also clarified that computation made pursuant to the directions given herein above, shall be subject to the challenges, if any, raised under Sections 34 and 37 of the Arbitration and Conciliation Act, 1996.

(c) In the light of the observations made herein above, it is further made clear that if any of the parties are aggrieved by the quantum and computation carried out by the competent authority while carrying out the directions given herein above, the remedy of

Section 3G(5) of the National Highways Act, 1956 would be available to such aggrieved party in accordance with law. It is further made clear that the competent Authority while implementing the directions given herein above shall give reasonable hearing to all stake holders.

(d) The decision would then be ultimately subject to the outcome of the review petition before the Hon'ble Supreme Court.

(e) The competent authority shall not disburse the said amount till further orders to the petitioners.

(f) We make it clear that the disbursement would be subject to the further orders either under review or under the Special Leave to Appeal No.36306 of 2025.

(g) There shall be affidavit-in-reply, if any, to be filed by the respondents within a period of four weeks from today.

(h) Place the matters for further consideration on 24.03.2026.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm