



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12573 OF 2024

Gulab Mahibub Tamboli

...Petitioner

Versus

The Sub Divisional Officer and the
Land Acquisition Officer Malshiras & Ors.

...Respondents

Mr. Rajesh S. Jadhav for the Petitioner.

Ms. M. S. Bane, AGP for the Respondent-State.

Mr. Sagar Varma (through VC) i/b. Mr. Sagar Ladda for Respondent
No.3-NHAI.

CORAM : M. S. Sonak &
Jitendra Jain, JJ.

DATED : 30 April 2025

PC.:- (Per M. S. Sonak, J.)

1. Heard Mr. Jadhav for the Petitioner, Ms. Bane, learned AGP for the State, and Mr. Varma for Respondent No.3-NHAI.
2. Rule. The Rule is made returnable immediately at the request of and with the consent of the learned counsel for the parties.
3. On hearing the learned counsel for the parties on 10 January 2025, we made the following order :-

"1. Issue notice to the third Respondent, returnable on 31 January 2025. The notice to indicate that this Petition would be disposed of finally at the admission stage.

2. The Petitioner's grievance is that a reference has been made under Section 3G(5) of the National Highways Act, 1956 for determination of the compensation amount by the Arbitrator i.e. Respondent No.2. However, since 2021, the Arbitrator, except for issuing notices to the parties, has not proceeded with the arbitration.

3. Ms Vyas, learned Additional Government Pleader states that she will obtain instructions from the second Respondent regarding the status of such arbitration and also the timeline within which the arbitration would be completed.

4. We note that special provisions have been made in the National Highways Act, 1956 so that the work concerning the highways proceeds unhampered by issues of compensation etc. At the same time, the landowners whose lands stand acquired have also been provided with the remedy of determining the compensation through arbitration expeditiously. The provisions relating to arbitration and expeditious determination of compensation cannot be frustrated by such delays.

5. Accordingly, list this matter on 31 January 2025 for final disposal at the admission stage.”

4. Ms. Bane, learned AGP, on instructions admits that the matter is still pending before the learned Arbitrator. She states that this Court would now indicate a timeline within which the Arbitrator would dispose of the arbitration proceedings.

5. Accordingly, we direct that arbitration proceedings be concluded as expeditiously as possible in any event within four months from today i.e. by 31 August 2025.

6. Needless to add that the learned Arbitrator will follow all lawful procedures and comply with the principles of natural justice and fair play. The parties must also cooperate with the learned Arbitrator in the expeditious disposal of the proceedings.

7. All parties' contentions on the merits of dispute before the learned Arbitrator are kept open.

8. The Rule is made absolute in the above terms. The petition is disposed of. No costs.

9. All concerned to act on an authenticated copy of this order.

10. Ms. Bane agrees to communicate a copy of this order to the learned Arbitrator within one week.

(Jitendra Jain, J.)

(M. S. Sonak, J.)