



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5134 OF 2026

- PETITIONERS** :- 1) The Project Director, National Highway Authority, Bhartiya Rashtriya Rajmarg Pradhikaran, National Highway Authority of India, Ministry of Transport and Highways, Govt. of India, Project Implementation Unit, Pandhurna, Plot No.334, Shankar Nagar, Pandhurna (M.P.)
- 2) Secretary to the Government of India, Ministry of Shipping Road Transport & Highways (Dept. of Road Transport & Highways) New Delhi.

..VERSUS..

- RESPONDENTS** :- 1) Sarjuprasad S/o. Sangamlal Gupta, Aged about 66 years, Occ.:- Business, R/o Plot No.461, Chandan Nagar, Medical Chowk, Nagpur.
- 2) The Additional Commissioner and Arbitrator, Old Secretariat Building, Civil Lines, Nagpur.
- 3) The Deputy Collector/Land Acquisition (General) Nagpur, Civil Lines, Nagpur.

WITH
WRIT PETITION NO.5634 OF 2026

- PETITIONERS** :- 1) The Project Director, National Highway Authority, Bhartiya Rashtriya Rajmarg Pradhikaran, National Highway Authority of India, Ministry of Transport

and Highways, Govt. of India, Project Implementation Unit, Pandhurna, Plot No.334, Shankar Nagar, Pandhurna (M.P.)

- 2) Secretary to the Government of India, Ministry of Shipping Road Transport & Highways (Dept. of Road Transport & Highways) New Delhi.

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- 2) The Additional Commissioner and Arbitrator, Old Secretariat Building, Civil Lines, Nagpur.
- 3) The Deputy Collector/Land Acquisition (General) Nagpur, Civil Lines, Nagpur.

Mr. A.A. Kathane, Advocate for Petitioners.

Mr. J.Y. Ghurde, A.G.P. for Respondent Nos.2 and 3/State.

CORAM : **ROHIT W. JOSHI, J.**

DATE : **30/07/2026**

JUDGMENT :

1. Heard finally with consent of learned advocates for the respective parties.

2. The lands of the present respondents/land owners came to be acquired under the provisions of the National Highways

Authority of India Act, 1988 (hereinafter referred to as “NHAI Act”). Being unsatisfied with the amount compensation awarded by the Competent Authority for Land Acquisition (CALA), the respondent No.1/land owners initiated arbitration proceedings under Section 3G(5) of the NHAI Act. Enhancement in the amount of compensation was awarded by the Arbitral Tribunal placing reliance on two sale deeds dated 27.06.2008 and 02.04.2008. Although photocopies of these sale deeds were placed on record, there were no pleadings with respect to these two sale deeds in statement of claim and certified copies thereof were also not placed on record.

3. The Arbitral Award dated 20.05.2015 passed by the Arbitral Tribunal was assailed by filing proceeding under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as “A&C Act”), which came to be registered as Civil Miscellaneous Application No.687 of 2015. The said application was dismissed by the learned Principal District Judge, Nagpur, vide judgment and order dated 05.04.2019. The petitioners assailed the said judgment before this Court by filling appeal under Section 37 of A&C, Act being Arbitration Appeal No.34 of 2019, which was allowed. This Court expressed that two sale deeds in question were

not properly placed on record and Arbitral Award should not have been passed by placing reliance on the said sale deeds.

4. In this backdrop, respondent No.1/land owners approached the Hon'ble Supreme Court assailing the judgment passed by this Court in the arbitration appeal. The appeal came to be disposed of vide order dated 04.04.2025. The Hon'ble Supreme Court has granted leave to respondent No.1/land owners to place the two sale deeds in question on record before the Arbitral Tribunal in order to eliminate ground of challenge that the evidence with respect to the sale deeds was received without following the prescribed procedure. The Hon'ble Supreme Court has also restored Civil Miscellaneous Application No.687 of 2015 on the file of the learned District Judge.

5. After the order passed by the Hon'ble Supreme Court, respondent No.1 filed an application for amendment of statement of claim before the Arbitral Tribunal, which came to be allowed vide impugned order dated 10.09.2025. By the said amendment, in addition to incorporating pleadings with respect to two sale deeds in question, a claim for solatium, statutory interest and 10% component payable under Section 3G(2) of the NHAI Act is also incorporated.

6. It is not in dispute that since then the solatium and interest component is received by respondent No.1/land owner vide common judgment dated 22.06.2026 passed in Writ Petition No.2987 of 2026 and Writ Petition No.2986 of 2026.

7. The learned advocate for the petitioners contends that the Hon'ble Supreme Court had merely permitted respondent No.1 to place the two sale deeds on record and despite this the respondent No.1 moved an application for amendment of statement of claim, which is not permitted by the Hon'ble Supreme Court. The other contention is that claims other than those for which the matter was remanded have been incorporated.

8. Having perused the order passed by the Hon'ble Supreme Court, I am of the opinion that the Hon'ble Supreme Court has permitted filing of the two sale deeds in question on record in order to eliminate the ground that the said documents were received without following the prescribed procedure. It cannot be doubted that respondent No.1/land owners are entitled to place the two sale deeds on record.

9. The observation made by the Hon'ble Supreme Court is that filing of the sale deeds is permitted to remove procedural defect. Permission to amend the statement of claim is also implicit

in the leave granted by the Hon'ble Supreme Court. It goes without saying that the defect with respect to reception of the two sale deeds in evidence will not be cured unless appropriate pleadings in that regard are incorporated in the statement of claim.

10. In view of the aforesaid, the first contention that amendment goes beyond the leave granted by the Hon'ble Supreme Court, is liable to be rejected.

11. As stated above, the claim for solatium and interest does not survive since the same is already been granted by this Court. As regards 10% component under Section 3G(2) of the NHAI Act, the same is also granted in the original Arbitral Award.

12. In that view of the matter, incorporating those pleadings does not cause any prejudice to the petitioners.

13. In view of the above, no case for interference is made out. Writ Petitions stand **dismissed**.

14. Needless to mention that the entitlement of respondents/land owners to receive compensation on the basis of the sale deeds dated 27.06.2008 and 02.04.2008 is open to the questioned in the proceedings under Section 34.

15. Entitlement to claim 10% component of compensation under Section 3G(2) of the NHAI Act, will also be open to

challenge in the proceedings under Section 34.

16. Leave is granted to the petitioners to incorporate consequential amendment in the statement of defence.

(ROHIT W. JOSHI, J.)

C.L. Dhakate