

ITEM NO.4

COURT NO.5

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 39045/2026

[Arising out of impugned final judgment and order dated 07-03-2026 in CA No. 7045/2025 passed by the High Court of Judicature at Bombay at Aurangabad]

NATIONAL HIGHWAYS AUTHORITY OF INDIA

Petitioner(s)

VERSUS

BABULAL BHURAO MALI & ANR.

Respondent(s)

IA No. 205047/2026 - CONDONATION OF DELAY IN FILING

IA No. 205044/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

WITH

SLP(C) No. 24450/2026 (IX)

IA No. 205790/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 29-07-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) : Ms. Neetika Sharma, Adv.
Mr. Kanav Singhal, Adv.
Mr. Tavinder Sidhu, Adv.
Mr. Vikas Soni, Adv.
M/S. M. V. Kini & Associates, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Delay condoned.

2. We see no justification whatsoever for the National Highways Authority of India [NHAI] to file Special Leave Petitions against an interim order passed by the High Court pending disposal of the

Section 37 application under the Arbitration and Conciliation Act.

3. The acquisition, which commenced in 2005, culminated in an Arbitral Award. NHAI's objections under Section 34 were dismissed in 2020. Challenging the order under Section 34, NHAI filed an appeal under Section 37 of the Act.

4. Pending consideration of Section 37 application, the High Court passed the following order:

"3. Accordingly, the Arbitration Appeals under Section 37 of the Arbitration and Conciliation Act, 1996 are filed, wherein 50% of the outstanding amount is deposited. The amounts deposited are meagre ranging between Rs.82,000/- to Rs.2,30,000/-.

4. Considering the same, the applicants in civil applications for withdrawal of amount are permitted to withdraw the entire 50% amount deposited in this court along with accrued interest thereon, on an undertaking that in the event the Arbitration Appeals are allowed they would remit the amount back within four (04) weeks thereafter.

5. Civil Applications No.7045 of 2025, 7048 of 2025, 7049 of 2025, 7050 of 2025, 7052 of 2025 and 7053 of 2025 for withdrawal of amount are allowed and disposed of accordingly."

5. We see no justification whatsoever for NHAI to file the Special Leave Petitions against the interim arrangement. The Special Leave Petitions are dismissed accordingly.

6. Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(NIDHI WASON)
ASSISTANT REGISTRAR