

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5601 OF 2026

Hanumant Bhanudas Gawali	...Petitioner
Versus	
The Deputy Chief Engineer (Constructions) Central Railway, Solapur and Others	...Respondents

WITH

WRIT PETITION NO. 5771 OF 2026

Prabha Pawankumar Agrawal	...Petitioner
Versus	
The Competent Authority and Sub Divisional Officer and Others	...Respondents

Mr. R.V. Gunale (through VC) i/b. Mr. Abhijeet Khade, for the Petitioners.

Ms. Tanu Bhatia, AGP, for the State in WP No. 5601 of 2026.

Mr. S.P. Kamble, AGP for the State in WP No. 5771 of 2026.

**CORAM : MANISH PITALE AND
SHREERAM V. SHIRSAT, JJ.**

DATE : 29th SEPTEMBER, 2026

P.C. :

1. On 21.07.2026, this Court had passed the following order in these petitions:

. By these petitions, the petitioners are seeking a direction against respondent No.5 for deciding pending arbitration petitions.

2] But, the documents on record show that the Competent Authority i.e. the Deputy Collector (Land Acquisition) has passed the award. Thereafter, as per the provisions of the Railways Act, 1989, if the petitioners were dissatisfied with the quantum of compensation, they could approach the Arbitrator appointed by the Central Government, for seeking enhancement of compensation. But, the document at Exhibit 'B' shows that it is styled as a petition under Section 34 of the Arbitration and Conciliation Act, 1996 and that it has been filed before the office of the Special Land Acquisition Officer. The petitioners will have to explain, as to why a petition under Section 34 of the Arbitration and Conciliation Act has been filed, if the arbitration proceeding itself is pending before the Arbitrator.

3] The petitioners are directed to file additional affidavits in both these petitions, clarifying the position on facts, by giving chronology of events after the award was passed by the Competent Authority and as to the manner in which, the petitioners sought arbitration before the Arbitrator appointed by the Central Government for enhancement of compensation.

4] The additional affidavits shall be filed within two weeks from today.

5] List these petitions for further consideration in the category of 'fresh matters' on 12th August 2026.

2. Thereafter, the petitions were listed on 12.08.2026, when adjournment was sought on the ground of personal difficulty of the counsel for the petitioners. On 08.09.2026, when these petitions were listed, there was no appearance on behalf of the petitioners and, therefore, we listed these petitions today under the caption 'For Dismissal'.

3. The learned counsel for the petitioners in these petitions submits that upon noticing the mistake in styling as the arbitration

petitions as petitions under Section 34 of the Arbitration and Conciliation Act, 1996, a pursis is now filed before the concerned authority seeking to amend the said petitions.

4. It is to be noted that these writ petitions have been filed seeking a direction for expeditious disposal of the arbitration petitions.

5. We are of the opinion that when the arbitration petitions are pending before the concerned authority in the backdrop of amendment being sought by the petitioners, there is no purpose of keeping the present writ petitions pending. It is to be noted that the arbitration petitions have been shown as petitions filed under Section 34 of the aforesaid Act, when no award has yet been passed by the concerned authority.

6. In view of the above, the writ petitions are dismissed with liberty to the petitioners to file fresh writ petitions if and when the proposed amendment is granted by the concerned authority.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)