VERDICTUM.IN

2026:KER:87829

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

TUESDAY, THE 17TH DAY OF NOVEMBER 2026/26TH KARTHIKA, 1948

ARB.A NO. 19 OF 2026

ARISING OUT OF THE ORDER DATED 12.12.2023 IN OP(ARB) NO.53/2021 OF ADDITIONAL DISTRICT COURT - III, KASARAGOD

APPELLANT/1ST RESPONDENT:

THE PROJECT DIRECTOR
NATIONAL HIGHWAY AUTHORITY OF INDIA,
KOZHIKODE KERALA, PIN - 673009

BY ADVS.
SRI.E.C.KURIAKOSE
SRI.LEJO JOSEPH GEORGE
SRI.BIDAN CHANDRAN

RESPONDENTS/PETITIONERS 1 TO 3 AND RESPONDENTS 2 & 3:

1 MR. ABDUL SALAM B.A
AGED 35 YEARS
S/O.B.M ABOOBACKER HAJI, BEDIRA HOUSE,
CHALA ROAD, VIDYANAGAR, KASARGOD KASBA VILLAGE &
POST, KASARGODE TALUK & DISTRICT, PIN - 671121

2 MISS. FAJIR
AGED 20 YEARS
D/O OF MR.MOHAMMAD ASHRAF B.A, BEDIRA HOUSE,
CHALA ROAD, VIDYANAGAR, KASARGOD KASBA VILLAGE &
POST, KASARGODE TALUK & DISTRICT, PIN - 671121

3 MISS. FATHIMA SHAIMA

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AGED 17 YEARS
MINOR REP BY GUARDIAN FATHER, MOHAMMAD ASHRAF
B.A, BEDIRA HOUSE, CHALA ROAD, VIDYANAGAR,
KASARGOD KASBA VILLAGE & POST,
KASARGODE TALUK & DISTRICT, PIN - 671121

4 SPECIAL DEPUTY COLLECTOR
LA (NH), KASARGODE, PIN - 671123

5 THE DISTRICT COLLECTOR(ARBITRATOR)
KASARGODE, PIN - 671123

BY ADVS.
SRI.K.JAYESH MOHANKUMAR
SRI.PUSHPARAJAN KODOTH, R1 TO R3
SMT.VANDANA MENON
SRI.VIMAL VIJAY
SMT.SWETHA JOSCO
SMT.O.A.NOORIYA, SR.GOVERNMENT PLEADER

THIS ARBITRATION APPEALS HAVING BEEN FINALLY HEARD ON 05.11.2026, ALONG WITH Arb.A.20/2026 AND 21/2026, THE COURT ON 17.11.2026 DELIVERED THE FOLLOWING:

VERDICTUM.IN

2026:KER:87829

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

TUESDAY, THE 17TH DAY OF NOVEMBER 2026/26TH KARTHIKA, 1948

ARB.A NO.20 OF 2026

ARISING OUT OF THE ORDER DATED 06.12.2023 IN OP(ARB) NO.54/2021 OF ADDITIONAL DISTRICT COURT - III, KASARAGOD

APPELLANT/1ST RESPONDENT:

THE PROJECT DIRECTOR
NATIONAL HIGHWAY AUTHORITY OF INDIA,
KOZHIKODE, KERALA, PIN - 673009

BY ADVS.
SRI.E.C.KURIAKOSE
SRI.LEJO JOSEPH GEORGE
SRI.BIDAN CHANDRAN

RESPONDENTS/PETITIONER AND RESPONDENTS 2 & 3:

1 SRI. VARADARAJ VENKATRAMANA TEMPLE
RAILAY STATION ROAD, SRIRARN PETE, KASARGODE-671121, KASARGODE TALUK AND DIST. REP BY ITS PRESENT MANAGING TRUSTEE,K.JAGADEESH KARNATH, S/O.LATE GANESH, KARNATH, R/AT BEHIND SUB JAIL, KASARGODE KASBA VILLAGE, KASARGODE TALUK AND DISTRICT, KERALA, PIN 671121.

2 THE SPECIAL DEPUTY COLLECTOR
LA (NH), KASARGODE, PIN - 671123

3 THE DISTRICT COLLECTOR (ARBITRATOR)
KASARGODE, PIN - 671123

VERDICTUM.IN

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BY ADVS.
SRI.LAKSHMI NARAYANAN
SMT.R.RANJANIE
SRI.NEVIL ZACHARIA MATHEW
SMT.VAISHNAVI SHAJI
SMT.O.A.NOORIYA, SR.GOVERNMENT PLEADER

THIS ARBITRATION APPEALS HAVING BEEN FINALLY HEARD ON 05.11.2026, ALONG WITH Arb.A.19/2026 AND CONNECTED CASE, THE COURT ON 17.11.2026 DELIVERED THE FOLLOWING:

VERDICTUM.IN

2026:KER:87829

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

TUESDAY, THE 17TH DAY OF NOVEMBER 2026/26TH KARTHIKA, 1948

ARB.A NO. 21 OF 2026

ARISING OUT OF THE ORDER DATED 29.01.2024 IN OP(ARB) NO.43/2021 OF ADDITIONAL DISTRICT COURT - II, KASARAGOD

APPELLANT/1ST RESPONDENT:

THE PROJECT DIRECTOR
NATIONAL HIGHWAY AUTHORITY OF INDIA
KOZHIKODE, PIN - 673001

BY ADVS.
SRI.E.C.KURIAKOSE
SRI.LEJO JOSEPH GEORGE
SRI.BIDAN CHANDRAN

RESPONDENTS/PETITIONER AND RESPONDENTS 2 & 3:

1 M.K.NAMBIAR
AGED 86 YEARS
S/O.KODOTH KELU NAIR, C/O CHAIRA MEDICAL CENTRE,
VIDYANAGAR, KASARGODE, PIN - 671123

2 K.K SHYAMALA
AGED 71 YEARS
W/O M.K.NAMBIAR, C/O CHAIRA MEDICAL CENTRE
VIDYANAGAR, KASARGODE, PIN - 671123

3 DR. DINESH KUMAR K.K
AGED 48 YEARS
S/O M.K.NAMBIAR, C/O CHAIRA MEDICAL CENTRE,
VIDYANAGAR,KASARGODE, PIN - 671123

4 SPECIAL DEPUTY COLLECTOR

VERDICTUM.IN

2026:KER:87829

LAND ACQUISITION (NATIONAL HIGHWAY) ANANGOOR, KASARGODE, PIN - 671121

BY ADVS.
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR
SMT.VANDANA MENON
SRI.VIMAL VIJAY
SMT.O.A.NOORIYA, SR.GOVERNMENT PLEADER

THIS ARBITRATION APPEALS HAVING BEEN FINALLY HEARD ON 05.11.2026, ALONG WITH Arb.A.19/2026 AND CONNECTED CASE, THE COURT ON 17.11.2026 DELIVERED THE FOLLOWING:

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JUDGMENT

Dated this the 17th day of November, 2026

Syam Kumar V.M., J.

These appeals are filed by the Project Officer, National Highway Authority of India, invoking Sec. 37 of the Arbitration and Conciliation Act, 1996 challenging the orders dated 12.12.2023, 06.12.2023 and 29.01.2024 of the Additional District Judge III, Kasaragod in O.P.(Arb) Nos. 53/2021, 54/2021 and 43/2021 respectively. Since common questions arise for consideration in all these appeals, are heard and disposed of together by this common judgment. For the sake of easy reference to the facts and contentions, Arb. Appeal No. 19 of 2026 is taken as the lead case.

Facts in brief:

2. Different extents of land owned by the claimants/ respondents had been acquired by the Special Deputy

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Collector Land Acquisition National Highway, Kasargod for the purpose of widening National Highway. An extent of 144 square metres of immovable property comprised in Re-survey No.153/3A, after Re-survey No.RS No.153/9 of the Kasargod Village of Kasargod, Taluk and District, belonging to the claimants, was acquired by the Special Deputy Collector. The market value was fixed by the Special Deputy Collector of the land at ₹11,374/- per square meter, a solatium of 100% and an increase on market value at the rate of 12% per annum was added on the land value and a total sum of ₹46,82,204/- was awarded in favour of the petitioners. The rate was fixed as contemplated under Section 26(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the Act of 2013). The rate so fixed by the Competent Authority was not challenged by the National Highway Authority. The Competent Authority fixed the land value after verifying the registered documents of similarly situated properties registered within a span of 3 years

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immediately prior to the Section 3A notification. As against the order of compensation passed by the Competent Authority dated 30.11.2019 in LAC No.65, Kasargod, the Special Deputy Collector, LANH, filed an arbitration case before the District Collector, Kasargod, as Arbitrator. The District Collector upheld the objection raised by the Project Director and reduced the value of the land to ₹6,244/- per square meter. As per the direction of the District Collector, the Special Deputy Collector, LANH, Kasargod, prefixed the compensation payable to the claimants and reduced the total compensation. The said award, passed by the District Collector as arbitrator, was challenged by the claimants by invoking Sec. 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act of 1996). The said Arbitration OP along with connected OPs were allowed by the learned District Judge and the award passed by the District Collector was set aside. Aggrieved by the same, the Project Director National Highway Authority of India has filed these arbitration appeals invoking Section 37 of the Act of 1996.

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3. Heard Sri. Bidan Chandran, Advocate for the appellant and Sri. Lakshmi Narayanan Senior Advocate, Sri. Pushparajan Kodoth, Advocates for the Claimants, Smt. O.A. Nooriya, Senior Government Pleader appeared for the official respondents.

4. The learned counsel for the appellants submitted that the orders under challenge are erroneous, legally unsustainable and contrary to the provisions of Section 26 of the Act of 2013. According to the learned counsel, the learned District Judge erred in setting aside the arbitral award without properly appreciating the relevant provisions of Section 26 of the Act of 2013, particularly Section 26(1)(b) read with Explanations 1 and 2. It is contended that all registered sale deeds relating to properties situated in the same village could not have been mechanically considered for determining the average sale price and the sale exemplars must first satisfy the requirement relating to similar types of land. It is further argued that the finding of the court below that the properties were similar in nature and similarly

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situated, merely because both properties abutted the National Highway is unsustainable, as highway frontage alone cannot establish similarity in the nature and classification of the properties. In this connection, the learned counsel pointed out that Document No.4277/2010 related to a commercial corner plot having frontage on both the National Highway and a municipal road, carved out of a larger extent of 1 acre and 50 cents and purchased by a construction firm, whereas the acquired property was a strip of land measuring 49 square metres, classified by the Competent Authority as private dry land. Therefore, according to the learned counsel, the said document could not have been treated as a valid sale exemplar for determining the market value of the acquired property. Appellants placed reliance on **Project Director, NHAI v. Alfa Remidis Ltd**., [2026 KHC OnLine 6358]

5. The learned counsel for the appellants further submit that the learned District Judge failed to properly appreciate Explanation 4 to Section 26 of the Act of 2013, which had been duly considered by the Arbitrator. It was argued that the

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finding of the court below that there was no justification for excluding Document No.4277/2010 in the absence of any allegation of fancy rate or exaggerated valuation was legally unsustainable. According to the learned counsel, Explanation 4 does not require proof of fraud, ulterior motive or deliberate inflation of the sale consideration. On the other hand it permits exclusion of a sale transaction where the price reflected therein is not indicative of the actual prevailing market value. It is pointed out that the consideration reflected in the said document was more than three times the fair value of ₹6,000/- per square metre notified by the State for commercially important land in Kasaragod Village and related to a commercial corner plot purchased by a builder. Therefore, according to the learned counsel, the Arbitrator was justified in forming the opinion that the said land transaction was not representative of the prevailing market value and correctly excluded it from consideration.

6. The learned counsel for the appellants submitted that the market value of ₹10,229/- per square metre fixed by the

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Arbitrator was itself substantially higher than the fair value of ₹6,000/- per square metre notified by the State for commercially important land in Kasaragod Village. Therefore, the arbitral award cannot be characterised as having resulted in an artificially depressed valuation of the acquired land. It is further contended that, after excluding Document No.4277/2010, the Arbitrator had rightly considered the remaining five sale exemplars and selected the three documents reflecting the highest sale prices, namely Document Nos.5074/2010, 2504/2012 and 2094/2010, for determining the average sale price. The average of the said three transactions worked out to ₹10,229/- per square metre, which was the very rate fixed by the Arbitrator. Thus, according to the learned counsel, the Arbitrator had followed the statutory method prescribed under Section 26 of the Act of 2013, and there was no justification for the learned District Judge to interfere with the same.

7. According to the learned counsel for the appellants, the learned District Judge exceeded the permissible limits of

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judicial interference under Section 34 of the Act of 1996, by re-appreciating the evidence and substituting his own assessment for that of the Arbitrator. It is submitted that the observation of the Arbitrator regarding the existence of "visible discrepancies" among the sale exemplars and the exorbitantly high valuation reflected in the document showing a sale price of ₹19,775/- per square metre must be understood in the light of the documents produced by the Competent Authority on 05.02.2021 and referred to in paragraph VIII of the arbitral award. Relying on ***Dyna Technologies Pvt. Ltd. v. Crompton Greaves Ltd***. [2019 KHC 7273], the learned counsel submitted that an arbitral award must be read fairly and that its reasoning can, in appropriate cases, be gathered from a conjoint reading of the award and the documents referred to therein. It is therefore contended that the learned District Judge ought not to have substituted his own appreciation of the evidence for the assessment made by the Arbitrator. Reliance is also placed on the proviso to Section 34(2A) and the decision in **Punjab**

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State Civil Supplies Corporation Ltd. v. Sanman Rice Mills, [2024 KHC OnLine 8401], to contend that the impugned orders warrant interference in these appeals under Section 37 of the Act.

8. *Per contra*,the learned counsel for the respondents, submitted that the Order of the learned District Judge does not call for any interference in so far as the arbitral award was uncertain and legally unsustainable and the Order impugned had correctly found so. It is submitted that the Arbitrator has not determined the specific amount of compensation payable to the claimants and instead of determining the compensation himself, the Arbitrator directed the Competent Authority for Land Acquisition (CALA) to reassess the award and fix the compensation payable to the claimants, subject to a maximum market value of ₹10,229/- per square metre. According to the learned counsel, the Arbitrator had no authority to remit the matter to the CALA for a fresh determination of compensation in the manner directed. It was further argued that fixing only an upper limit

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of ₹10,229/- per square metre, without finally determining the amount payable, rendered the arbitral award vague and uncertain and was contrary to the statutory mandate of the Act of 2013.

9. The learned counsel for the respondents further submitted that the District Judge had not re-appreciated the evidence or substituted his own view for that of the Arbitrator. The interference with the arbitral award was necessitated by the Arbitrator's failure to properly apply the statutory principles governing the determination of market value and to furnish adequate reasons for excluding the relevant sale exemplar, namely, Document No.4277/2010. Such an omission, according to the respondents, constitutes more than a mere error in appreciation of evidence, as it goes to the legality and validity of the arbitral award. It is therefore contended that the District Judge was justified in setting aside the award in exercise of the jurisdiction under Section 34 of the Act of 1996.

10. The learned counsel for the respondents further

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contended that the Arbitrator had failed to furnish adequate reasons for discarding Document No.4277/2010 and reducing the market value determined by the Competent Authority. The mere observation that there were "visible discrepancies" among the sale exemplars or that one transaction reflected an exorbitantly high value would not constitute sufficient reasoning unless the Arbitrator identified the discrepancies and explained how they affected the determination of market value. The arbitral award, it is submitted, must disclose a rational basis for rejecting the sale exemplar and for arriving at the reduced valuation. Since the same was not reflected in the Award, the learned District Judge had validly interfered with the same as empowered under Section 34 of the Act of 1996.

11. The learned counsel for the respondents further submitted that the mere description of one property as commercial land and the acquired property as private dry land would not, by itself, render the two properties dissimilar. The relevant consideration is not merely the classification or

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description of the land in the revenue records, but also its location, accessibility, potential for development and other relevant characteristics. Both properties abut the National Highway and, therefore, the commercial potential and locational advantages of the acquired property cannot be ignored. Hence, the appellants cannot seek exclusion of Document No.4277/2010 merely on the ground that the property covered by the said document was described as commercial land.

12. According to the learned counsel for the respondents, the Arbitrator, while exercising jurisdiction under Section 3G(5) of the National Highways Act, was required to independently determine the amount of compensation payable in accordance with the statutory principles. The Arbitrator could not mechanically discard the valuation made by the Competent Authority and direct a fresh assessment subject to an upper limit of ₹10,229/- per square metre. Such a direction leaves the actual compensation payable uncertain and effectively delegates the determination

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of compensation to the CALA. It is thus submitted by the learned counsel appearing for the claimants that no cause for interference under Sec. 37 of the Act of 1996 had been made out and the Appeal are only to be dismissed.

13. We have heard both sides in detail and have considered the pleadings and contentions put forth. The precedents relied on by both sides have been studied. Before proceeding to deal with the contentions put forth by both sides, we deem it relevant to remind ourselves of the scope and extent of the jurisdiction exercised under Section 37 of the Act of 1996. That the scope of jurisdiction under Sec. 37 of the Act of 1996 does not extend to an appellate jurisdiction over the exercise undertaken by the learned District Judge while considering the petition under sec. 34 of the Act and is co-extensive or circumscribed to the same extent, if not to narrower limits is now trite. The Hon'ble Supreme Court has in **M/s. C and C Constructions Ltd v. Ircon International Ltd. : (2025) 4 SCC 234** held as follows:

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> "*As far as scope of interference in an appeal under Section 37 of Arbitration Act is concerned, the law is well settled. In the case of Larsen Air Conditioning and Refrigeration Company v. Union of India and Ors.3 in paragraph 15, this court held thus:*
>
> "*15. The limited and extremely circumscribed jurisdiction of the court under Section 34 of the Act, permits the court to interfere with an award, sans the grounds of patent illegality i.e. that "illegality must go to the root of the matter and cannot be of a trivial nature"; and that the Tribunal "must decide in accordance with the terms of the contract, but if an arbitrator construes a term of the contract in a reasonable manner, it will not mean that the award can be set aside on this ground" [ref : Associate Builders [Associate Builders v. DDA, (2015) 3 SCC 49 : (2015) 2 SCC (Civ) 204] , SCC p. 81, para 42]. The other ground would be denial of natural justice. In appeal, Section 37 of the Act grants narrower scope to the appellate court to review the findings in an award, if it has been upheld, or substantially upheld under Section 34."* (Emphasis added.)

14. Similarly in **Som Datt Builders-Ncc-Nec(Jv) vs National Highways Authority of India :** (2025) 6 SCC 757 the Hon'ble Supreme Court had held as follows:

> "37. *We are afraid we cannot accept such sweeping*

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conclusions reached by the Division Bench. Interpretation given by the Division Bench to the plain language of Clauses 51 and 52 is not at all a plausible one, not to speak of being the only possible interpretation and, therefore, committed a manifest error in interfering with an arbitral award in a proceeding under Section 37 of the 1996 Act when the learned Single Judge did not find any justification at all to interfere with the arbitral award within the limited scope under Section 34 of the 1996 Act. A closer look at Clauses 51 and 52 would clearly show that the view taken by DRB and Arbitral Tribunal, both comprised of technical experts, is the correct one which was acknowledged by the learned Single Judge." (Emphasis added.)

15. In the case of **MMTC Limited v. Vedanata Limited :** (2019) 4 SCC 163, the Hon'ble Supreme Court held that interference under Section 37 cannot travel beyond the restrictions imposed by Section 34. The relevant observations of the judgment reads as follows:

"*14.As far as interference with an order made under Section 34, as per Section 37, is concerned, it cannot be disputed that such interference under Section 37 cannot travel beyond the restrictions laid down under Section 34. In other words, the court cannot undertake an independent assessment of the merits of the award, and must only ascertain that the exercise of power by the court under Section 34 has not exceeded the scope*

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> *of the provision, Thus, it is evident that in case an arbitral award has been confirmed by the court under Section 34 and by the court in an appeal under Section 37, this Court must be extremely cautious and slow to disturb such concurrent findings."* (Emphasis added.)

Thus, when it comes to scope of an appeal under Section 37 of the 1996 Act, jurisdiction of the appellate court in examining an order passed under Section 34, either setting aside or refusing to set aside an arbitral award, is all the more circumscribed. Having thus reminded ourselves of the limited jurisdiction that we have while exercising the jurisdiction Section 37 of the Act of 1996, we proceed to examine whether there is any perversity or illegality in the exercise of power by the learned District Judge necessitating an interference in an appeal under Sec. 37.

16. The learned District Judge had in the orders impugned, noted that the Arbitrator had rejected the highest value document as per which ₹19,775/- is shown as the value per square meter. The said document had been discarded stating that there were some visible discrepancies. The arbitrator had then proceeded to fix the land value by taking

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the average of the value as in other documents. The learned District Judge concluded that the said method adopted by the learned Arbitrator is against the mandate of Section 26 of the Act. It was thus concluded by the learned District Judge that while the 2nd respondent competent authority had rightly applied the law and had fixed the compensation, the Arbitrator, on the other hand, had rendered an award that was patently illegal. The Award of the District Collector was thus held to be vitiated and accordingly set aside by the learned District Judge.

17. The learned counsel for the appellant has vehemently contended that no patent illegality had been committed by the Arbitrator in discounting an aberrant exemplar under Explanation 4 to Section 26 of the Act of 2013 and in averaging the top half of the remaining exemplars under Explanation 2. It is contended that by the learned counsel that the Learned District Judge in substituting its own reading of Section 26 and in holding that the competent authority's rate was correct exceeded the limits of Section 34,

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thus calling for an interference by this Court by invoking its powers under Section 37 of the Act of 1996. We are not convinced by the said submission for more reasons than one.

18. Firstly, Explanation 2 to Sec. 26 (1) of the Act of 2013 while stipulating the modality for determination of market value by the Collector (Arbitrator) provides that for determining the average sale price referred to in Explanation 1, one half of the total number of sale deeds or agreements to sell, in which the highest sale price has been mentioned shall be taken into account. The said mandate, as rightly found by the learned Single Judge, stood violated with the rejection of the highest valued document as per which Rs.19,775/- was shown as the value per square meter. The discarding of the said document by a cryptic and unreasoned Order by the Collector (Arbitrator) was rightly termed by the District Judge as a method violating the mandate of Sec. 26 of the Act of 2013. The mandate of the said section that the average value of the highest valued three documents is to be taken into consideration while fixing the land value stood flouted.

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19. Secondly, Sec. 3 G of the National Highways Act, 1956 relating to determination of amount payable as compensation in Sub Sec. (7) (a) mandates that the competent authority or the arbitrator while determining the amount under subsection 1 or subsection 5, as the case may be, shall take into consideration the market value of the land on the date of publication of the notification under Section 3A. Thus it was incumbent to take note of the 6 documents mentioned in the appendix. The list of documents submitted by CALA consisting of documents considered for arriving at the land value had shown values as ₹19,775/-, ₹9136/-, ₹5211/-, 4326/-, ₹3780/- and ₹2257/-, respectively. The same ought to have been taken into account as they represented the market value of the land on the date of publication of the notification under Section 3A as stipulated under Sec. 3 G of the National Highways Act, 1956. The arbitrator, however, for no valid or tenable reason, concluded that there are some visible discrepancies and proceeded to discount the document showing the highest value therein,

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terming the same as exorbitantly higher valued document.The said course adopted was rightly termed by the learned District Judge as patently illegal as having the effect of vitiating the award rendering it fit to be set aside under sec. 34 of the Act of 1996.

20. Moreover, it is well settled that market value is determined based on the price of a willing buyer and a willing seller, near about the time of acquisition. After all, when the land is being compulsorily acquired from a person, he is entitled to the highest value which similar land in the locality is shown to have fetched in a *bona fide* transaction. The award, apart from being unreasoned, had failed to disclose any reason for non-acceptance of the Document No.4277/2010. It is not being stated that such transactions were related party transactions or not *bona fide*.

21. We find that the District Collector, acting as the Arbitrator, had erred in determining the compensation payable to the claimants. The award passed by the District Collector/Arbitrator was, therefore, vitiated by the said error

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and was liable to be set aside in proceedings under Section 34 of the Arbitration and Conciliation Act, 1996. The learned District Judge, upon consideration of the matter in exercise of jurisdiction under Section 34 of the Act, has rightly interfered with the award. We find no ground to set aside nay, interfere with the Orders of the learned District Judge impugned in these appeals. Exercise of appellate jurisdiction under Section 37 of the Act is not made out nor called for. We find no merit in the appeals. They are dismissed.

Sd/-

SOUMEN SEN
CHIEF JUSTICE

Sd/-

SYAM KUMAR V.M.
JUDGE

csl

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2026:KER:87829

APPENDIX OF ARB.A NO.19 OF 2026

APPELLANT ANNEXURES

Annexure A1	**Copy of the receipt dated 07.09.2026 issued by the Kerala State Legal Service Authority**

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APPENDIX OF ARB.A NO. 20 OF 2026

APPELLANT ANNEXURES

Annexure A1	**Copy of the receipt dated 07.09.2026 issued by the Kerala State Legal Service Authority**

VERDICTUM.IN

2026:KER:87829

APPENDIX OF ARB.A NO. 21 OF 2026

APPELLANT ANNEXURES

Receipt	**Copy of the receipt dated 07.09.2026 issued by the Kerala State Legal Service Authority**