



IN THE HIGH COURT OF ORISSA AT CUTTACK

C.R.P.No.03 of 2025

JSW Energy(Utkal)

.....

Petitioner(s)

***Ltd.(Previously known as Ind-
Barath Energy(Utkal Limited)***

Mr. S.S. Das, Sr. Advocate

-versus-

***Mahanadi Coal Fields Limited
and another***

.....

Opposite Party(s)

None

CORAM:

THE HON'BLE MR. JUSTICE ANANDA CHANDRA BEHERA

ORDER

29.01.2025

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Mr. Sourya Sundar Das, Senior Advocate filed an appearance memo on behalf of the petitioner, the same is accepted and be formed a part of the record.
3. Heard from the learned senior counsel for the petitioner on the point of admission of this revision.
4. This revision has been field by the petitioner challenging an order of rejection of the petition of the petitioner under Order-7, Rule 11 of the C.P.C. in the suit vide C.S. No.126 of 2018 by the learned Senior Civil Judge(Senior Division), Jharsuguda.
5. According to the prayer of the learned senior counsel for the petitioner, the petition under Order-7, Rule-11 of the C.P.C. was field by the petitioner in the suit vide C.S. No.126 of 2018 praying for rejection of the plaint on the ground that, that suit is barred under law,



but, the learned Civil Judge(Senior Division), Jharsuguda rejected that petition under Order-7 Rule-11 of the C.P.C. of the petitioner assigning the reasons that, the points raised by the petitioner in the petition for rejection plant are mixed question of fact of law, for which, the plaint cannot be rejected.

6. At the time of hearing of the revision on the point of admission, learned senior counsel for the petitioner relied upon two decisions reported in *AIR 2024 S.C. 5677* between *Noida Special Economic Zone Authority vrs. Manish Agarwal and others* and *(2021) 166 SCL 237(S.C.)* between *Ghanashyam Mishra and Sons Private Limited vrs. Edelweiss Asset Reconstruction Company Limited and others* contending that, the plaintiff could have agitated the said matter before the appropriate forum under law, i.e., before the Corporate Insolvency Resolution Process(CIRP), but, instead of approaching the said appropriate statutory authority, the plaintiff has approached the Civil Court by filing the suit vide C.S. No.126 of 2018 against the defendant(petitioner in this revision).

7. Upon hearing from the learned senior counsel for the petitioner, it is felt proper to admit the revision.

As such, the revision is admitted. Issue notice to the Opposite Parties.

8. The petitioner is directed to file requisites for issuance of notice to the Opposite Parties.

(*A.C. Behera*)
Judge

I.A. No.09 of 2025
(Arising out of CRP No.03 of 2025)

02. 1. This is an Interlocutory Application under Order-39, Rules-1 & 2 read with Section 151 of the C.P.C., which has been filed by the



petitioner praying for staying the further proceeding of C.S. No.126 of 2018 pending in the court of the learned Civil Judge(Senior Division), Jharsuguda.

2. In view of the admission of the revision vide CRP No.03 of 2025, the further proceedings of the suit vide C.S. No.126 of 2018 pending the court of learned Civil Judge(Senior Division), Jharsuguda is stayed till the next date of this I.A.

3. The petitioner is directed to file requisites for issuance of notices to the Opposite Parties.

4. The Interlocutory Application be listed on 18.02.2025 for objection and hearing.

5. Grant certified copy of this order to the petitioner on proper application.

(A.C. Behera)
Judge

Jagabandhu

Signature
Not Verified

Digitally Signed
Signed By:
JAGABANDHU
BEHERA
Reason: Authentication
Location: High Court of
Orissa, Cuttack
Date: 29-Jan-2025
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