



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 5028 of 2025

*National Aluminium Company Ltd.
& Ors.*

..... *Petitioner(s)*
Mr. Manoj Kumar Mishra, Sr. Adv.
along with associate

-Versus-

*M/s. Maheswari Brothers
Coal Ltd. & Ors.*

..... *Opposite Party (s)*

CORAM:
DR. JUSTICE S.K. PANIGRAHI

ORDER
19.02.2025

Order No.

01. 1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. In this Writ Petition, the Petitioner has challenged the judgment dated 28.08.2024 passed by the learned District Judge, Khurda in Arbitration Appeal No.07 of 2023 dismissing the appeal on contest filed under Section 37 of the Arbitration and Conciliation Act,1996 and thereby upholding the Order dated 28.08.2023 passed by the learned Senior Civil Judge (Commercial Court), Bhubaneswar in

Signature Not Verified on (P) No.44 of 2017 filed under Section 34 of the Arbitration and Conciliation Act, 1996.

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Date: 20-Feb-2025 18:28:51



4. Learned Senior Counsel for the Petitioner submits that the arbitration award has been passed by the Sole Arbitrator arising out of a contract agreement between the Petitioner and the Opposite Party for supply of 1,00,000/- M.T. of washed/beneficiated coal. He further submits that the learned District Judge while acknowledging that there is some irregularity or error in the Arbitral Award refused to exercise jurisdiction under Section 37 of the Act to correct the patent illegality and perversity in the arbitral award. Thereafter, the Petitioner has challenged the order dated 28.08.2024 passed by the learned District Judge, Khurda before the Supreme Court in SLP(Civil) Diary No.57336 of 2024. After hearing the matter, the Supreme Court vide order dated 15.01.2025 referring the finding in the case of *Deep Industries Ltd. vs. ONGC*¹ granted liberty to the Petitioner to approach the High Court by filing of a Writ Petition. Hence, the Petitioner is constrained to approach this Court by way of the present Writ Petition.

5. In such view of the matter, let notice be issued to the Opposite Party.

6. Issue notice to the Opposite Parties by Registered Post with A.D./Speed Post. Requisite shall be filed within three working days

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hence?

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7. List this matter on 10th March, 2025.

¹ (2020) 15 SCC 706



I.A. No.2811 of 2025

1. As an interim measure, it is directed that the operation of Arbitration Award dated 24.06.2017 passed by the learned Arbitration Tribunal under Annexure-19 and the impugned judgment dated 28.08.2024 passed by the learned District Judge, Bhubaneswar in ARBA No.07 of 2023 shall remain stayed till the next date. Further, the further proceeding in Execution Case No.410 of 2017 pending before the learned Senior Civil Judge (Commercial Court), Bhubaneswar shall remain stayed till the next date of listing of this matter.
2. Urgent certified copy of this order be granted as per rules.

(Dr. S.K. Panigrahi)
Judge

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