



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.362 of 2026

***Mayfair Hotels & Resorts
Limited, Bhubaneswar***

.....

Petitioner

Represented by Adv. -
Sitanshu Mohan
Dwibedy

Mr. S.S. Das, Sr. Adv.

-versus-

***Kolkata Unique Hospitality
LLP, Sundergarh***

.....

Opposite Parties

Represented by Adv. -

CORAM:
**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER
25.02.2026

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard Mr. S.S. Das, learned Senior Counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.
 3. By filing the present application under Article 227 of the Constitution of India, the Petitioner in ARBP No.58 of 2025 being aggrieved by order dated 13.02.2026 passed I.A. No.1 of 2025 arising out of the above noted ARBP has approached this Court by filing the present application.
 4. Learned senior counsel for the Petitioner at the outset contended that as against an arbitral award the Petitioner moved the learned Commercial Court, Bhubaneswar by filing an application under Section 34 of the Arbitration Act with a prayer for setting



aside of the award. In the pending proceeding under Section 34 of the Arbitration Act an application was filed seeking stay operation of the impugned award which is stated to be under Section 36(3) of the Arbitration and Conciliation Act, 1996. Although, it is stated by the learned senior counsel for the Petitioner that an interim order was passed by the learned trial Court staying the operation of the award, however, the conditions imposed by the learned Commercial Court, Bhubaneswar are such that it virtually takes away the effect of the order passed by the learned Commercial Court, Bhubaneswar on 13.02.2026. Being aggrieved by such order of the leaned Commercial Court, Bhubaneswar, the Petitioner has approached this Court by filing the present application.

5. Upon careful consideration of the submission made by the learned senior counsel appearing for the Petitioner, this Court, keeping the question of maintainability open, is inclined to hear the Opposite Parties.

6. Hence, issue notice to the Opposite Parties by Registered Post/Speed Post with A.D. by fixing a short returnable date. Requisites be filed within three working days.

7. List this matter in the week commencing 23.03.2026.

I.A. No.390 of 2026

8. Notice as above.

9. Accept one set of process fee.

10. Mr. S.S. Das, learned Senior Counsel for the Petitioner at the outset contended that the Petitioner is ready and willing to abide by the interim order passed by the learned Commercial Court,



Bhubaneswar, however, no coercive action should be taken against the Petitioner in the event the Petitioner fails to comply with the interim order for some reason. Subject to such undertaking, this Court directs that the Petitioner shall deposit the amount, however, till the next date no coercive action shall be taken against the Petitioner.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout