



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.390 of 2026

***Director Of Land Records
Survey Board Of Revenue,
Cuttack & another***

.....

Petitioners

Represented by Adv. –
Mr. S.R. Pattanaik, AGA

-versus-

Sylvesa Infotech Pvt Ltd.

.....

Opposite Parties

Represented by Adv. –
Mr. Goutam Mukherji,
Senior Advocate along
with associates

CORAM:

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

ORDER

27.02.2026

Order No.

01.

1. This matter is taken up through Hybrid mode.
2. Heard Mr. S.R. Pattanaik, learned Additional Government Advocate appearing for the State-Petitioner as well as Mr. Goutam Mukherji, learned Senior Advocate appearing for the Opposite Party. Peruse the CMP application as well as the prayer made therein.
3. By filing the present CMP application under Article 227 of the Constitution of India the Petitioner happens to be the JDR in the Execution Case No.257 of 2023 arising out of ARBP No.45 of 2021 now pending in the Court of the learned Senior Civil Judge, Commercial Court, Cuttack has approached this Court challenging



the order dated 02.01.2026 & 21.02.2026.

4. Mr. Pattanaik, learned Additional Government Advocate at the outset contended that being aggrieved by orders dated 02.01.2026 & 21.02.2026 at Annexure-7 series passed by the learned Senior Civil Judge, Commercial Court, Cuttack in the execution proceeding which arises out of an arbitration proceeding. The JDR has approached this Court challenging the aforesaid two orders, whereby and where under the learned trial Court has attached the property of the JDR.

5. At the outset this Court examined the maintainability of the present CMP application on a detailed scrutiny of the CMP application as well as the document annexed thereto. It is found that the same arises out of an execution proceedings, which is an off shoot of one arbitration award. Further, scrutiny of the record reveals that earlier the Petitioner approached this Court by filing W.P.(C) No.21111 of 2025. The said writ application was taken up along with the writ petition filed by the Opposite Party bearing W.P.(C) No.24348 of 2024 by a Coordinate Bench. By virtue of a common order dated 10.10.2025 the learned Coordinate Bench disposed of both the writ application, on perusal of the Judgement, it appears in para 55 that while dismissing the writ petition bearing W.P.(C) No.21111 of 2025, the learned coordinate Bench has directed the learned Senior Civil Judge, Commercial Court, Cuttack to dispose of the Execution Case No.257 of 2023 as early as possible preferably within a period of three months from the date of their Judgement.

6. With regard to the maintainability of the present CMP



application this Court found that under Section 19(1) of the Arbitration and Conciliation Act, 1996 there exists a clear embargo with regard to the applicability of the Code of Civil Procedure, 1908, while conducting the proceeding. Moreover, the arbitral tribunal which was passed the award is a separate forum other than the Civil Courts. Such arbitral tribunals and the proceeding before the Tribunal are not governed under the Provision of the Code of Civil Procedure, 1908. Therefore, this Court cannot construe that the interim order dated 02.01.2026 as well as 21.02.2026 at annexure-7 series are the impugned orders passed by any Civil Court. The nomenclature "CMP" is only for the orders passed by the learned Civil Judge, Commercial Court, Cuttack under the Code of Civil Procedure, 1908 and such orders are challenged by invoking the jurisdiction of this Court under Article 227 of the Constitution of India. Altogether separate mechanism has been provided under the Arbitration and Conciliation Act, 1996.

7. Mr. Mukherji, learned Senior Counsel appearing for the Opposite Party at the outset objected to the maintainability of the CMP application, so also at this Court by referring to the order passed by a coordinate Bench in W.P.(C) No.21111 of 2025.

8. From the conduct of the Petitioner itself, it appears that they are well aware of the provision of the law and accordingly in their first visit to this Court they had challenged the order by filing W.P.(C) No.21111 of 2025. However, now they are trying to assail the order passed by the executing Court by filing the present CMP application. In view of the bar contained under Section 19 (1) of the Arbitration and Conciliation Act, 1996 this Court is of the considered view that the present proceeding cannot have the



nomenclature 'CMP'. Moreover, in the event the Petitioner is aggrieved by any order passed by the executing Court while executing an arbitration award it is open to the Petitioner to challenge the same by filing a writ petition.

9. In view of the aforesaid analysis this Court is of the view that present application has been wrongly nomenclature. Accordingly, office is directed to correct the nomenclature and the present application be reregistered as W.P.(C) and be placed before the appropriate assigned Bench.

10. Taking into consideration, the urgency involved in the matter office is directed to list this matter as expeditiously as possible.

(Aditya Kumar Mohapatra)
Judge

Suchitra