



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28232 of 2021

CNR No. ODHC010607422021

**M/s. JSW Steel Limited, Mumbai
and another**

.... Petitioners

Represented by Adv.–
Mr. Mukul Rohtagi, Senior Advocate along with
Mr. Asok Mohanty, Senior Advocate assisted by
Mr. Mahesh Agarwal, Advocate, Mr. Satya
Smruti Mohanty, Advocate, Ms. Vidisha Swarup,
Advocate, Ms. Siddhi Gupta, Ms. Gyaninee Nayak,
Advocate and Ms. Prakruti Pattnaik, Advocate
-Versus-

State of Odisha and others

.... Opposite Parties

Represented by Adv._
Mr. Pitambar Acharya, Advocate General
assisted by Mr. Debaraj Mohanty, AGA
Mr. Prasanna Kumar Parhi, DSGI

CORAM:

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
AND
HON'BLE MR. JUSTICE MURAHARI SRI RAMAN**

ORDER

03.08.2026

(Hybrid mode)

Order No.

10.

- 1.** It is submitted by Mr. Mukul Rohtagi, learned Senior Advocate appearing for the petitioners that since this case is covered by a common judgment dated 20th April, 2026 passed by this Court in ***M/s. Tata Steel Ltd., Mumbai and another vs. State of Odisha and others*** (WP(C) No.31035 of 2025) and batch, similar order may also be passed in the present writ petition.



2. Learned Advocate General appearing for the State submitted that this matter involves huge amount of public exchequer and challenging the aforesaid common judgment of this Court dated 20th April, 2026 passed in W.P.(C) No.31035 of 2025, the State has preferred Special Leave Petition before the Hon'ble Supreme Court within the period of limitation. He, therefore, seeks a short accommodation for consideration of the Special Leave Petitioner before the Hon'ble Supreme Court.
3. At this stage, learned Senior Advocate appearing for the petitioners placed a judgment of the Hon'ble Supreme Court in the case of ***Atma Ram Properties (P) Ltd. vs. Federal Motors (P) Ltd., (2005) 1 SCC 705***, wherein at paragraph-8, it has been held as follows:-

"8. It is well settled that mere preferring of an appeal does not operate as stay on the decree or order appealed against nor on the proceedings in the court below. A prayer for the grant of stay of proceedings or on the execution of decree or order appealed against has to be specifically made to the appellate court and the appellate court has discretion to grant an order of stay or to refuse the same. The only guiding factor, indicated in Rule 5 aforesaid, is the existence of sufficient cause in favour of the appellant on the availability of which the appellate court would be inclined to pass an order of stay. Experience shows that the principal consideration which prevails with the appellate court is that in spite of the appeal having been entertained



for hearing by the appellate court, the appellant may not be deprived of the fruits of his success in the event of the appeal being allowed. This consideration is pitted and weighed against the other paramount consideration: why should a party having succeeded from the court below be deprived of the fruits of the decree or order in his hands merely because the defeated party has chosen to invoke the jurisdiction of a superior forum. Still the question which the court dealing with a prayer for the grant of stay asks itself is: why the status quo prevailing on the date of the decree and/or the date of making of the application for stay be not allowed to continue by granting stay, and not the question why the stay should be granted."

- 4.** Considering the above submissions made by the learned counsel for the parties, list this matter on 9th September, 2026. In the meantime, if any order is passed by the Hon'ble Supreme Court in the Special Leave Petition, the same be produced on the next date so fixed, or else, this Court shall proceed with the matter.
- 5.** Interim order passed earlier shall remain in force till the next date of listing.

(Manash Ranjan Pathak)
Judge

(M.S. Raman)
Judge