



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 1315 of 2026

CNR No. ODHC010594862026

Jitendra Biswal

.....

Petitioner (s)

Mr. Prabodha Chandra Nayak, Adv.

-Versus-

State of Odisha & Ors.

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

Mr. Debasish Nayak, AGA

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

13.08.2026

Order No.

01.

1. This matter is taken up through hybrid arrangement.
2. Heard.
3. In filing this CMP, the Petitioner has sought for a direction from this Court for expeditious disposal of the Execution Case No.167 of 2024 pending before the learned Civil Judge (Senior Division), Commercial Court, Bhubaneswar.
4. Learned counsel for the Petitioner submits that this Court had allowed the arbitration appeal vide judgment dated 28.07.2026 passed in ARBA No.42 of 2025. He further submits that the Petitioner has filed an execution petition vide Execution Case No.41 of 2024 before the learned Civil Judge, Senior Division, Commercial Court, Bhubaneswar, which is still pending. He



further contends that though two years have been lapsed in the meantime, the execution petition is pending before the learned District Judge, Puri who has not act in letter and spirit of the judgment passed by the three judges Bench of the Apex Court in **Rahul S. Shah vs. Jitendra Kumar Gandhi and others**¹ wherein the Apex Court has held that Executing Court must dispose of the Execution Proceedings within six months from the date of filing, which may be extended only by recording reasons in writing for such delay.

5. Considering the submission of the learned counsel for the Petitioner and looking to the factual scenario, this Court directs the learned Civil Judge (Senior Division) Commercial Court, Bhubaneswar to dispose of the execution proceeding vide Execution Case No.41 of 2024 at the earliest preferably within a period of one month from the date of communication of an authenticated copy of this order.
6. The CMP is, accordingly, disposed of.

(*Dr. Sanjeeb K Panigrahi*)
Judge

Murmu