



IN THE HIGH COURT OF ORISSA AT CUTTACK

ARBA No.42 of 2025

Jitendra Biswal

....

Appellant(s)

Mr. Prabodha Chandra Nayak, Adv.

versus-

State of Odisha & Ors.

....

Respondent(s)

Mr. Prabhu Prasanna Behera, ASC

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No.

28.07.2026

03.

1. This matter is taken up through hybrid arrangement.
2. The present Arbitration Appeal (ARBA) has been filed by the Appellant with the following prayer:

“In the aforesaid facts and circumstances, the appellant prays this Hon’ble Court may graciously pleased to allow the present appeal under Section 37 of the Arbitration and Conciliation Act, 1996 and further pleased to;

(a) Set aside and quash the impugned order dated 03.12.2025 (Annexure-1) passed by the learned District Judge, Puri in ARBP No.41 of 2024, whereby delay of 8 months and 5 days has been condoned and the application under Section 34 of the Arbitration and Conciliation Act, 1996 has been admitted;

(b) Dismiss the application under Section 34 of the Arbitration and Conciliation Act, 1996 filed by the respondents as being barred by limitation and not maintainable in law;

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(c) Pass such other order(s) or direction(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case;

3. Heard.
4. At the outset, learned counsel for the Appellant submits that this Court has earlier decided the similar issue in the judgment dated 18.10.2023 passed in ARBA No.40 of 2022 (*Bijay Kumar Swain -vrs.- State of Odisha & Ors.*). Hence, he submits that this Arbitration Appeal (ARBA) may be disposed of in the light of the judgment passed in the case of *Bijay Kumar Swain -vrs.- State of Odisha & Ors.* (supra).
5. Learned counsel for the Opposite Parties submits that he has no objection, if this matter is disposed of in the light of the judgment passed in the case of *Bijay Kumar Swain -vrs.- State of Odisha & Ors.* (supra).
6. On perusal of the records and the judgment passed in the case of *Bijay Kumar Swain -vrs.- State of Odisha & Ors.* (supra), it appears that similar issue has already been decided by this Court in the said judgment which was disposed of on 18.10.2023. The ordering portion of the said judgment is as follows:-

“51.The broadening engagement of government with arbitral process has generally occurred with, at best, only sporadic and contextual examination of whether there are unique considerations that distinguish state

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arbitration from its strictly private considerations. There is a need to understand these unique concerns not only to maximize the benefits arbitration affords, but to understand that Government's involvement imposes no special limits on the utility of the proceedings and the sanctity of arbitration shall be protected at all costs.

52. Having regard to scheme of the A&C Act and the Limitation Act, this Court comes to a conclusion that Section 4 and Section 15 of the Limitation Act cannot be applied for the benefit of the respondent in the case in hand. The delay afforded by the respondents cannot be condoned merely because it required State approval/sanction which wasted precious time against the time prescribed under Section 34(3) of the A&C Act.

53. As wrongfully observed by the trial court, while condoning the delay by the Respondents, the trial court failed to take notice of the true import of Section 34(3) of the A&C Act and did not compel the Respondents to justify their delay. In conclusion, the delay in filing the arbitration petition by the Respondents is outside the permissible limitation of the A&C Act and none of the pleaded justifications could give grounds to legitimize the course taken by the Respondents. The order dated 01.11.2022 passed by the Learned District Judge, Puri is, hereby, quashed.

7. Accordingly, the impugned order dated 03.12.2025/ Annexure-1 passed by the learned District Judge, Puri in ARBP No.41 of 2024 is, hereby, set aside.
8. This Arbitration Appeal (ARBA) is, accordingly, disposed of being allowed.

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(Dr. Sanjeeb K Panigrahi)
Judge