

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 1346 of 2022

M/s Payik Sentinels Pvt. Ltd. *Petitioner*
Mr. S. Mohanty, Advocate
-Versus -
Odisha State Beverages *Opp. Parties*
Corporation Ltd. and others

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

25.01.2022

Order No.
01

This matter is taken up through video conferencing mode.

2. The petitioner has filed this writ petition seeking to quash the letter of demand dated 05.01.2022 under Annexure-6 to the extent of shortage of beverages stock only and further seeks direction to restrain the opposite party-Corporation to invoke the bank guarantee deposited with them as performance security.
3. Mr. S. Mohanty, learned counsel for the petitioner contended that the demand which has been raised by the authority under Annexure-6 dated 05.01.2022 is arbitrary and unreasonable and, thereby, the petitioner is not liable to pay the same.
4. Having heard learned counsel for the petitioner and after going through the records, since the petitioner is a private organization and entered with an agreement with opposite party no.2, the petitioner is bound by the terms and conditions of the agreement itself. Clause-49 of the said agreement, which has been annexed as Annexure-5 to the writ petition, clearly provides that in the event of any dispute arising in respect of the clauses of

agreement, the same shall be resolved through bipartite negotiation and active mediation (wherein the decision of the M.D., OSBC Ltd. shall be final and binding).

5. In the above view of the matter, this Court is not inclined to entertain this writ petition. However, liberty is granted to the petitioner to pursue the remedy before the appropriate forum in terms of clause-49 of the agreement.

6. With the aforesaid liberty, the writ petition stands disposed of.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(Dr. B.R. Sarangi)
Judge

Ashok