

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.2709 of 2022
(Through hybrid mode)**

Shree Ideal Homes Pvt. Ltd.

....

Petitioner

Mr. P.C. Nayak, Advocate

-versus-

Paradip Port Trust and another

....

Opposite Parties

CORAM: JUSTICE ARINDAM SINHA

**ORDER
08.02.2022**

Order No.

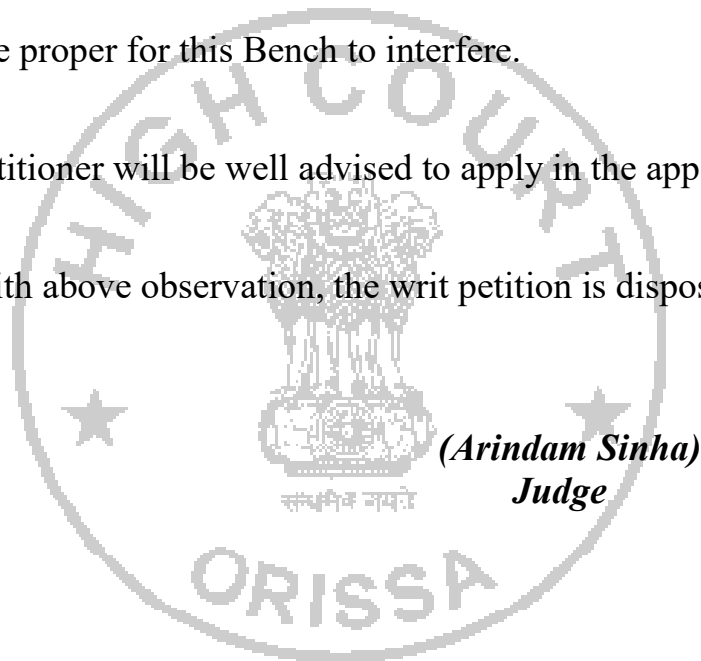
- 01.** **1.** Mr. Nayak, learned advocate appears on behalf of petitioner and submits, cancellation of work order made by letter dated 15th/27th December, 2021 has been challenged in the writ petition. This cannot be done since his client had by its earlier writ petition W.P.(C) no.18458 of 2019 challenged communication dated 6th September, 2019, rejecting its request for taking actual commencement date for purpose of reckoning period of the lease. By order dated 25th October, 2021, this Bench disposed of said writ petition directing period of contract be reckoned from date of commencement, from 8th June, 2016. Opposite party no.2 preferred appeal against said order and on 15th December, 2021 there were directions for issuance of notice and stay of the order. He submits, stay of earlier order of this Bench

impugned in the appeal, was for purpose of adjudication. The stay does not authorize opposite party no.2 to have issued impugned letter of cancellation.

2. It appears from impugned letter dated 15th/27th December, 2021 of cancellation of work order, opposite party no.2 stated therein that the period granted had long since expired and, therefore, request to vacate. The period appears to be subjudice in the appeal. As such, it will not be proper for this Bench to interfere.

3. Petitioner will be well advised to apply in the appeal.

4. With above observation, the writ petition is disposed of.



Prasant