

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.6437 Of 2022
(Through hybrid mode)**

***All Odisha State Bank Officers
Housing Co-operative Society Ltd.***

....

Petitioners

Mr. Manas Mohapatra, Senior Advocate
Mr. Prabodha Ch. Nayak, Advocate

-versus-

Mani Tirumala Projects Pvt. Ltd.

....

Opposite Parties

Mr. Jishnu Saha, Senior Advocate
Mr. Shikhar Khare, Advocate
Mr. Kunal Vajani, Advocate
Mr. Subir Palit, Advocate

CORAM: JUSTICE ARINDAM SINHA

**ORDER
15.03.2022**

Order No.

1.

1. Mr. Mohapatra, learned senior advocate appears on behalf of petitioners and submits, the award was in two parts. One part directed for delivery of possession and the other, for monetary compensation. By impugned order dated 18th February, 2022, the learned Court below directed conditional stay of the arbitral award without appreciating that the condition should have been directed against stay of the monetary part in the award. There was no quantification made in terms of money regarding the direction for delivery of possession. As such, there be interference with impugned order.

2. Mr. Saha, learned senior advocate appears on behalf of opposite party and opposes the petition. He has not been called upon to submit.

3. Section 36 in Arbitration and Conciliation Act, 1996 provides for consequences where an application to set aside the arbitral award has been filed in the Court under section 34 and, thereupon, an application under subsection (2) under it, for stay of operation of the arbitral award. Petitioner here is relying on first proviso under section 36 (3) regarding consideration for grant of stay of arbitral award for payment of money. As such, petitioner may have a case for review, in event this aspect was not adjudicated at the time of passing impugned order.

4. Petitioner is at liberty to pursue remedy as available in procedural law.

5. With above, the writ petition is disposed of.

(Arindam Sinha)
Judge

Prasant