

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.6914 Of 2022
(Through hybrid mode)**

M/s. Maheswari Brothers Coal Ltd.

Petitioner

Mr. Goutam Mishra, Senior Advocate
Mr. J.R.Deo, Advocate

-versus-

***National Aluminium Company Ltd
and others***

Opposite Parties

Mr. M.K.Rajguru, Advocate

CORAM: JUSTICE ARINDAM SINHA

**ORDER
29.03.2022**

**Order No.
01.**

1. Mr. Deo, learned advocate appears on behalf of petitioner and submits, challenge to the award, mounted by opposite party no.1, is long pending adjudication. Prayer in the writ petition is direction for early disposal of Arbitration Petition no.44 of 2017.
2. Mr. Rajguru, learned advocate appears on behalf of opposite party no.1 and submits, the challenge was transferred to the Commercial Court. The transfer order was challenged in the High Court. Hearing stands concluded and judgment/order awaited. Pending decision there cannot be adjudication of the arbitration petition since the forum to decide it is to be indicated by the judgment.

3. In the circumstances, direction cannot be made in a vacuum. As such, no order is to be passed.

4. With above observation, the writ petition is disposed of with liberty to petitioner to apply afresh, in event the designated forum unreasonably delays adjudication.

(Arindam Sinha)
Judge

Prasant

