

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.9215 Of 2021  
(Through hybrid mode)**

***M/s. Manikeshwari Gems Pvt. Ltd. .... Petitioner***

Mr. B.S. Tripathy, Advocate

*-versus-*

***M/s. Zam Engineerings & Logistics .... Opposite Party  
Pvt. Ltd.***

Mr. S.S. Mohanty,  
Advocate

**CORAM: JUSTICE ARINDAM SINHA**

**ORDER  
25.02.2022**

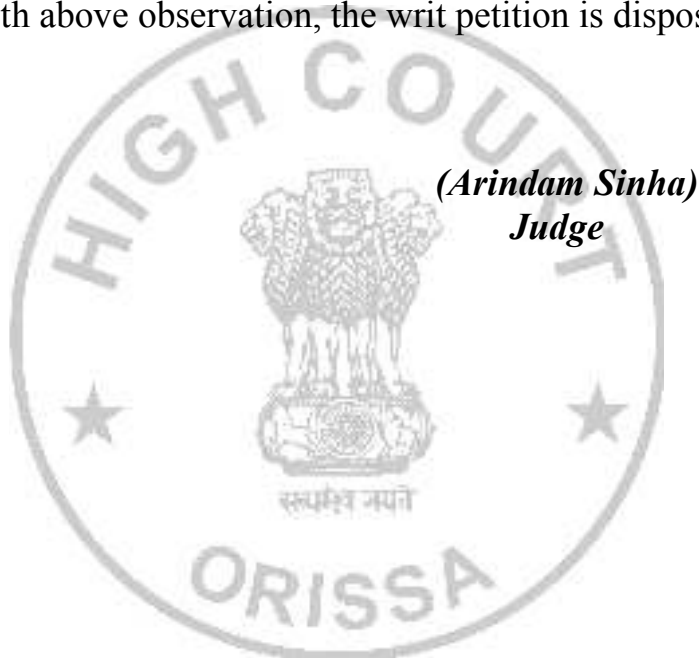
**Order  
No.**

**3.**

1. Mr. Tripathy, learned advocate appears on behalf of petitioner and submits, impugned is order dated 11<sup>th</sup> February, 2021, by which the Court below disposed of his client's petition under section 9 of Arbitration and Conciliation Act, 1996 holding lack of jurisdiction. He submits, the order was made with illegality and material irregularity. Said Court does have jurisdiction to have directed the interim measure.
2. Mr. Mohanty, learned advocate appears on behalf of opposite party and submits, impugned order was correctly made on finding parties had agreed on exclusive jurisdiction to be exercised by the Courts in Visakhapatnam. Furthermore, the writ petition is not maintainable since there is appeal provision under section 37.

3. Arbitration and Conciliation Act, 1996 limits interference by Court on reason of parties agreement to obtain alternative mode of dispute redressal, by arbitration. Whether or not parties have agreed on Courts in Visakhapatnam to have exclusive jurisdiction is to be adjudicated in appeal, not by writ petition.
4. The interim order is vacated. Petitioner is at liberty to find remedy in appeal.
5. With above observation, the writ petition is disposed of.

*Sks*



**(Arindam Sinha)**  
**Judge**