

IN THE HIGH COURT OF ORISSA AT CUTTACK

ARBA No.15 of 2022
(Through hybrid mode)

Pratikshya Mishra

....

Appellant

Mr. D. Tripathy, Advocate

-versus-

Bharati Telemedia Ltd. and others

....

Respondents

CORAM: JUSTICE ARINDAM SINHA

ORDER
11.04.2022

Order No.

1.

1. Mr. Tripathy, learned advocate appears on behalf of appellant and submits, his client is a distributor under agreement commencing from 16th November, 2019. The area designated as Cuttack in the agreement was under his client's distributorship. Respondent company, without notice, as alleged in paragraph-10 of the petition made under section 9 of Arbitration and Conciliation Act, 1996 before the Court below, removed certain areas from his client and allotted them to proforma respondent no.3. He demonstrates from clause 3.5 in the agreement that respondent though has discretion to add or remove any particular area of the distributorship but it has to do so upon prior notice. He also draws attention to communication

dated 16th February, 2022 to submit, said communication cannot be called notice in terms of clause 3.5. His client made investment and employed personnel but this wrongfully action of respondent needs to be prevented. This was sufficient urgency before the Court below but said Court refused to pass add interim order.

2. Court notices that point-10 in communication dated 16th February, 2022 is a proposal, reproduced below.

“10. Proposed new pin codes will be map with you after removal of existing pin codes.”

There is an agreement in place and it appears that respondent wants to modify it. Since returnable date fixed by the Court below is 16th April, 2022 and we are at 11th April, 2022, Court is not inclined to interfere in appeal. Instead, appellant may urge its case for interim measure before the Court below on returnable date (16th April, 2022). In event respondents go unrepresented, for any reason whatsoever, said Court must consider appellant's urgency afresh.

3. The appeal is disposed of.

(Arindam Sinha)
Judge