

IN THE HIGH COURT OF ORISSA AT CUTTACK

ARBP No.26 of 2022

M/s. BLA Projects Private Limited, ***Petitioner***
Kolkata

M/s. A. Patnaik and associates, Advocates

-versus-

Chairman-cum-Managing Director, ... ***Opposite Parties***
Mahanadi Coalfields Limited,
Sambalpur and others

Mr. Debraj Mohanty, Advocate

CORAM:
THE CHIEF JUSTICE

Order No.

ORDER
16.09.2022

03. 1. Learned counsel appearing for the Petitioner has filed an additional affidavit seeking to explain why the present case would not be covered by the judgment dated 25th July, 2022 passed by the Supreme Court of India in Civil Appeal No.4914 of 2022 (*Mahanadi Coalfields Ltd v. M/s. IVRCL AMR Joint Venture*).
2. The fact of the matter is that the clauses in the contract in the present case are no different from the clauses involved in the above judgment of the Supreme Court. There is a categorical finding by the Supreme Court that those clauses do not constitute an arbitration agreement between the parties.
3. Having perused the additional affidavit, the Court is not able to discern any distinguishing feature which will make the said judgment of the Supreme Court inapplicable in the facts of the present case.

4. According to the Petitioner, certain facts were suppressed before the Supreme Court of India. This would only mean that, according to the Petitioner, the judgment of the Supreme Court requires reconsideration. That prayer obviously has to be made before the Supreme Court and not this Court.

5. For the aforementioned reasons, the Court is of the view that the issue stands covered by the judgment of the Supreme Court in *Mahanadi Coalfields Ltd v. M/s. IVRCL AMR Joint Venture* and consequently, the present petition is dismissed. It will nevertheless be open to the Petitioner to seek other appropriate remedies as may be available to the Petitioner in accordance with law.

(Dr. S. Muralidhar)
Chief Justice

M. Panda

