

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P(C) No.11395 of 2022
(Through hybrid mode)**

Renubala Sabat

....

Petitioner

Mr. Bijay Kumar Behera-1, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Panda, AGA

Mr. A.Das, Advocate for NHAI

CORAM: JUSTICE ARINDAM SINHA

ORDER

17.05.2022

Order No.

01.

1. Mr. Behera, learned advocate appears on behalf of petitioner and submits, his client has challenged order dated 21st March, 2022 passed by the learned District Judge, rejecting challenge to award dated 13th December, 2016.

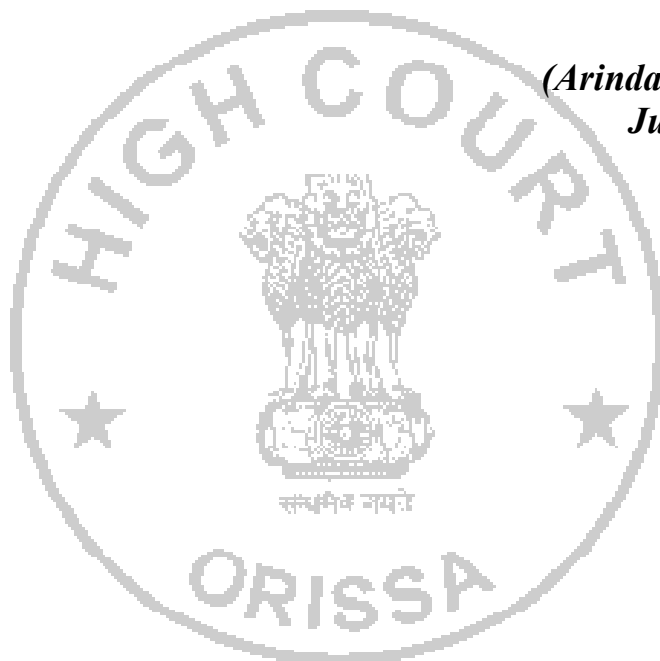
2. Mr. A. Das, learned advocate appears on behalf of National Highways Authority of India (NHAI) and submits, the writ is not maintainable since section 37, Arbitration and Conciliation Act, 1996 provides for appeal against impugned order. Mr. Behera submits, his client will file misc. case for change of nomenclature.

3. There will be departmental difficulties in event nomenclature of the writ petition is changed to appeal. This is because on presentation of appeal, inter alia, there must be made a report

regarding limitation. In the circumstances, Court grants liberty to Mr. Behera to withdraw the writ petition to enable his client to prefer appeal. Leave is also granted for petitioner to obtain return of the certified copy upon presenting a true copy thereof, to be kept with the record. Petitioner may pray for exclusion of time in presenting the appeal.

4. The writ petition is dismissed with liberty as above.

Prasant



(Arindam Sinha)
Judge