

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12104 of 2009

M/s. Bhanja Minerals Private Limited *Petitioner*
Mr. S. Palit, Advocate
-versus-
Technicast Engineers Limited, New *Opposite Parties*
Delhi and another

CORAM:

**THE CHIEF JUSTICE
JUSTICE A.K. MOHAPATRA**

Order No.

**ORDER
14.03.2022**

09. 1. The matter is taken up through hybrid arrangement (virtual /physical mode).
2. The interim order passed by this Court dated 20th August, 2009 to the effect that Arbitrator could proceed with the case but would not deliver the final order without leave of the Court. For nearly twelve and half years now, the interim order is continuing. None is appearing for the Opposite Parties although at one stage, Mr. Bidyadhar Mishra had entered appearance for the Opposite Parties. Today, Mr. Palit, learned counsel for the Petitioner informs this Court that even the learned Arbitrator is perhaps bed ridden even and is not in a position to continue the arbitration.
3. Keeping in view all the above facts, the Court does not consider it appropriate to keep the present petition pending. Nevertheless, if the parties are able to agree on a fresh arbitral proceeding, they may appoint another Arbitrator and have their disputes settled or if they

disagree, they may approach the Court for the appointment of another Arbitrator in accordance with law.

4. The writ petition stands disposed of with the above directions.

5. Issue urgent certified copy as per rules.

(Dr. S. Muralidhar)
Chief Justice

(A.K. Mohapatra)
Judge

U. Sahoo/J. Behera

