

IN THE HIGH COURT OF ORISSA AT CUTTACK

ARBP No. 46 of 2021

M/s. Sarala Projects Works Pvt. Ltd., ***Petitioner***
Hyderabad

Mr. Milan Kanungo, Senior Advocate
-versus-

State of Odisha ***....*** ***Opposite Party***

Mr. T.N. Patnaik, Addl. Standing Counsel

CORAM:
THE CHIEF JUSTICE

Order No.

ORDER
08.07.2022

08. 1. In view of the judgments of the Supreme Court of India in *South Delhi Municipal Corporation v. SMS AAMW Tollways Private Limited (2019) 11 SCC 776* and *Municipal Corporation of Greater Mumbai v. Pratibha Industries Limited (2019) 3 SCC 203*, the clause in question in the agreement, which is invoked in the present case, cannot be construed as an arbitration clause.
2. In that view of the matter, the Court declines the relief prayed for in the present petition. This will not, however, preclude the Petitioner from seeking other appropriate remedies as may be available to it in accordance with law.
3. The petition is disposed of in the above terms.

(Dr. S. Muralidhar)
Chief Justice