

IN THE HIGH COURT OF ORISSA AT CUTTACK

ARBP No.37 of 2020

Benzfab Technologies Pvt. Ltd.* *Petitioner

Mr. J.K. Mohapatra, Advocate

-versus-

Managing Director, Jindal Steel & Opposite Parties
Power Limited and others

Mr. Patitapaban Panda, Advocate

**CORAM:
THE CHIEF JUSTICE**

ORDER
21.01.2022

Order No.

08. 1. This matter is taken up by video conferencing mode.
2. This Court has heard the submissions of Mr. J.K. Mohapatra, learned counsel for the Petitioner and Mr. Patitapaban Panda, learned counsel for the Opposite Parties and has also examined the pleadings in the matter.
3. The present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeks the appointment of an Arbitrator to adjudicate the disputes between the Petitioner and the Opposite Parties.
4. Although the Opposite Parties have contested this petition, *inter alia*, on the ground that the claims are hopelessly time barred, the response of the Petitioner is that there is correspondence between the parties to indicate that the issue was very much alive even upto the date of filing of the present petition.

5. Without expressing any opinion on the above contentions and leaving open all the contentions including the question of limitation to be urged before the learned Arbitrator for his decision in accordance with law, the Court appoints **Mr. A.B.S. Naidu**, Retired District Judge as the sole Arbitrator to adjudicate the disputes between the parties. The arbitration shall take place under the aegis of the High Court of Orissa Arbitration Centre.

6. The arbitration petition is disposed of accordingly. A copy of this order be communicated to the Coordinator, High Court Arbitration Centre and the learned Arbitrator forthwith.

7. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. No.514 and 515 dated 7th January, 2022.

(Dr. S. Muralidhar)
Chief Justice

S.K. Guin