

IN THE HIGH COURT OF ORISSA AT CUTTACK

ARBP No.58 of 2021

M/s. Stride Hospital Pvt. Ltd., Petitioner
Bhubaneswar

Mr. A. Tripathy, Advocate

-versus-

Sri Sri Param Premamaya Purusottam Opposite Parties
Trust, Bhubaneswar and others

Mr. A. Mahanta, Advocate

CORAM:
THE CHIEF JUSTICE

ORDER
25.03.2022

Order No.

05. 1. Heard learned counsel for the Parties.
2. The present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 (Act) seeks the appointment of an Arbitrator to adjudicate the disputes between the Petitioner and the Opposite Parties arising out of a Memorandum of Understanding (MoU) dated 2nd February, 2018 between the parties.
3. The objection taken in the affidavit of the Opposite Parties is that an order dated 23rd February, 2022 was passed by the learned Single Judge in Arbitration Appeal No.17 of 2021 dealing the issue of termination of the Memorandum of Understanding (MoU) between the parties. According to learned counsel for the Opposite Parties by the said order dated 23rd February, 2022, this Court disposed of the Respondents' appeal under Section 37 of the Act against the order

dated 10th November, 2021 passed by the learned District Judge, Bhubaneswar in an application filed by the present Petitioner under Section 9 of the Act.

4. Having perused the said order, the Court is of the view that it is at an interim stage and cannot be said to have finally adjudicated the disputes between the parties. All that is said is that as soon as the present Opposite Party repays the interest free loan granted to them by the present Petitioner, the MoU would come to an end. It by no means adjudicates the other disputes raised by the Petitioner as a result of premature termination of the MoU. That cannot be said to have been adjudicated in the aforementioned proceedings.

5. In that view of the matter with there being arbitrable disputes between the parties and there being an arbitration clause in the agreement, the Court appoints **Mr. Justice Pramath Patnaik**, former judge of this Court 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, Orissa Arbitration Centre and the learned Arbitrator forthwith.

(Dr. S. Muralidhar)
Chief Justice