

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 31081 of 2022

Yudhistir Mahanta

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Petitioner

Mr. P.K. Nayak, Advocate

Vs.

***The Collector, Sundargarh
& Arbitrator for NHAI,
NH-23, Rourkela & Ors.***

.....

Opposite parties

Mr. S.N. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

19.12.2022

I.A. No.17295 of 2022

Order No.

03

This matter is taken up through hybrid mode.

2. This interlocutory application has been filed by the petitioner for recall of the order dated 12.12.2022.

3. Heard Mr. P.K. Nayak, learned counsel for the petitioner.

4. Considering the averments made in the application itself, the order dated 12.12.2022 is recalled and fresh order is passed in W.P.(C) No.31081 of 2022.

5. The interlocutory application stands disposed of.

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(DR. B.R. SARANGI)
JUDGE

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(B.P. SATAPATHY)
JUDGE

Cont....

W.P.(C) No.31081 of 2022**Order No.**

4. This matter is taken up through hybrid mode.
2. Heard Mr. P.K. Nayak, learned counsel appearing for the petitioner.
3. The petitioner has filed this writ petition seeking to quash the order dated 26.04.2022 under Annexure-4 in Misc. Case No.18 of 2021 (Arbitration), by which opposite party no.1 has dismissed the said misc. case holding that the Arbitral Forum does not have either the 'Jurisdiction' and/or 'authority' to condone the delay in filing the petition/application, within the stipulated limitation period, even if sufficient cause is shown by the party seeking condonation of delay.
4. Issue notice to the opposite parties.
5. Let three extra copies of the writ petition be served by tomorrow (20.12.2022) on Mr. A. Das, learned counsel, who usually appears for NHAI, to enable him to obtain instructions or file counter affidavit.

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(**DR. B.R. SARANGI**)
JUDGE

Alok

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(**B.P. SATAPATHY**)
JUDGE

Alok/Puspa

