

IN THE HIGH COURT OF ORISSA AT CUTTACK

ARBP No. 73 of 2021

Brooks Laboratories Limited ***Petitioner***

Mr. Venu Gopal Mahapatra, Advocate

-versus-

Odisha State Medical Corporation Ltd., ***Opposite Party***
Bhubaneswar

Mr. P.K. Muduli, Advocate

**CORAM:
THE CHIEF JUSTICE**

Order No.

ORDER
13.05.2022

- 04.
1. The objection taken by the Opposite Party to the appointment of an Arbitrator is that in terms of the Clause-6.25 read with Clause-6.26 of the tender document, unless a written agreement/contract is entered into between the parties, the question of invoking the arbitration clause does not arise. Further, it is stated that the purchase order does not contain any arbitration clause.
 2. However, the Court notes that the purchase order makes an express reference to a reference number indicated in the bid document and states that all the clauses of the bid document will per force apply to the purchase order. The arbitration clause is a part of the bid document. Consequently, the Court is not inclined to accept the objection raised by the Opposite Party.
 3. Apart from the above preliminary objection, all other contentions of the parties on merits are left open to be urged before the learned Arbitrator in accordance with law.

4. With the consent of the parties, the Court appoints **Mr. S.P. Misra**, learned Senior Advocate, as sole Arbitrator to conduct the arbitration proceedings and adjudicate the disputes between the parties, including their claims and counter claims. The arbitration proceedings shall take place under the aegis of the High Court Arbitration Centre. A copy of this order be communicated to the learned Arbitrator as well as the Coordinator, Arbitration Centre forthwith.

5. The arbitration petition is disposed of.

(Dr. S. Muralidhar)
Chief Justice

S. Behera

