

IN THE HIGH COURT OF ORISSA AT CUTTACK

ARBP No. 75 of 2021

M/s. Sabyasachi Mahakul, Dhenkanal* *Petitioner

Mr. Gautam Misra, Senior Advocate

-versus-

***Chairman, Puri Municipality and* *Opposite Parties*
*another***

None

**CORAM:
THE CHIEF JUSTICE**

**ORDER
04.11.2022**

Order No.

07. 1. Mr. P. Mohanty, Advocate had appeared before this Court on behalf of the Opposite Parties on 4th March, 2022 and had sought time for filing a reply. Pursuant thereto, an affidavit has been filed on 27th October, 2022 where there is no denying the fact that there is an arbitration clause in the agreement between the parties. However, it is sought to be contended that the arbitration petition is premature since the agreement provides for a dispute resolution clause under which the parties should first try to mutually settle the disputes through negotiations.
2. However, in the present case itself, it is seen that on 30th September, 2022 learned counsel for the Opposite Parties informed the Court that they were interested in settling the matter and they had called the Petitioner to meet them with documents. Even then, Mr. Gautam Misra, learned Senior Advocate appearing for the

Petitioner had disputed the said submission. Nevertheless, this Court had adjourned the matter to enable the parties to settle the disputes.

3. On the next date, i.e., 28th October, 2022 none appeared for the Opposite Parties and Mr. Misra also informed the Court that till date his client had not been called for any negotiation or settlement.

4. Today, again none appears for the Opposite Parties. It is clear therefore that the attempt at settling the disputes between the parties, even in terms of the aforementioned clause in the agreement, has not materialized.

5. With there being no dispute about the existence of an arbitration clause, and of there being disputes between the parties arising from the agreement in question, the Court proceeds to appoint **Dr. Justice A.K. Rath**, former judge of this Court, 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.

6. The arbitration petition is disposed of.

(Dr. S. Muralidhar)
Chief Justice