

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.72 of 2022

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M/s Sai Kripa Real Estate Pvt. Ltd. a company registered under the Provisions of the Companies Act, 1956, represented through its Director, Sri Shailendra Singh aged about 54 years, Son of Late Awadesh Kumar Singh, having its registered office at Mitra Compound, West Boring Canal Road, Police Station - Budha Colony, Patna Bihar - 800001, Local Office at Casa Florenza, Mouza/Village - Fakirapada and Patapur, , Banki Road, Near Trisulia Chowk, District - Cuttak, Odisha.

... .. Petitioner/s

Versus

Surendra Kumar Das, Son of Late Narendranath Das, Proprietor M/s Odisha Nursery, Resident of Samanta Sahi, New Colony, Post Office - Buxibazar, P.S. Purighat, District - Cuttack - 751007.

... .. Respondent/s

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with
REQUEST CASE No. 74 of 2022

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M/s Sai Kripa Real State Pvt. Ltd. a company registered under the Provisions of the Companies Act, 1956, having its registered office of the represented through its Director, Sri Shailendra Singh, aged about 54 years, Son of Late Awadesh Kumar Singh at R.O. Mitra Compound, West Boring Canal Road, Police Station - Budha Colony, Patna Bihar - 800001, Local Office at Casa Florenza, Mouza/Village- Fakirapada and Patapur, Banki Road, Near Trisulia Chowk, District - Cuttak, Odisha.

... .. Petitioner/s

Versus

1. Surendra Kumar Das Son of Late Narendranath Das, Proprietor M/s Odisha Nursery, Resident of Samanta Sahi, New Colony, Post Office - Buxibazar, P.S. Purighat, District - Cuttak - 751007.
2. Sri Bijaya Kumar Rout, Son of Late Natha Rout, at Balichandrapur Post Office - Brahmanigaon, via Baranga, Police Station - Baranga, District - Cuttack - 754005.
3. Sri Rajesh Sen Son of Sri Dhiren Sen, Resident of Old Rausapatana, Post Office - Buxibazar, Police Station - Purighat, District - Cuttack - 753001.

... .. Respondent/s

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with
REQUEST CASE No. 81 of 2022

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M/s Sai Kripa Real Estate Pvt. Ltd. a company registered under the Provisions of the Companies Act, 1956, having its registered office of the represented through its Director, Sri Shailendra Singh, aged about 54 years, Son of Late Awadesh Kumar Singh, at R.O. Mitra Compound, West Boring Canal Road, Police Station- Budha Colony, Patna Bihar - 800001, Local



Office at Casa Florenza, Mouza/Village - Fakirapada and Patapur, Banki Road, Near Trisulia Chowk, District - Cuttack, Odisha.

... .. Petitioner/s

Versus

1. Surendra Kumar Das Son of Late Narendranath Das Proprietor M/s Odisha Nursery, Resident of Samanta Sahi, New Colony, Post Office - Buxibazar, P.S. Purighat, District - Cuttack- 751007.
2. Sri Bijaya Kumar Rout, Son of Late Natha Rout, at Balichandrapur, Post Office - Brahmanigaon, via Baranga, Police Station - Baranga, District - Cuttack - 754005.
3. Smt. Babita Das, Wife of Sri Surendra Kumar Das, Resident of Samanta, Sahi, New Colony, Post Office - Buxibazar, P.S. Purighat, District - Cuttack - 751007.

... .. Respondent/s

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Appearance :

(In all the cases)

For the Petitioner/s : Mr. J. S. Arora, Senior Advocate
Mr. Manoj Kumar, Advocate
Mr. Ravi Bhatia, Advocate

For the Respondent/s : Mr. Siyaram Shahi, Advocate
Mr. Manoj Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

- 9 26-07-2023 1. The objection raised by the learned counsel for the respondents with respect to the arbitration requests is that one of the respondents, Surendra Kumar Das had already approached the High Court of Orissa at Cuttack in ARBP No.41 of 2022, in which a retired Judge of the Hon'ble Supreme Court has been appointed as Arbitrator. It is also pointed out that the High Court of Orissa had taken note of the fact that the Requester has filed request cases before the High Court of Judicature at Patna, but however, invoked the jurisdiction of the High Court of Orissa finding that the main agreement refers to Bhubaneswar as the



seat of arbitration.

2. In the teeth of the objection raised and also the opinion, favourable to the objection, expressed by this Court, the learned Senior Counsel appearing for the petitioner seeks withdrawal of the request cases to approach the High Court of Orissa for appointment of an Arbitrator. In fact, the other respondents in the request cases before us were also parties before the High Court of Orissa, but impleaded as respondents in ARBP No.41 of 2022 which has been allowed by the High Court of Orissa on 20.01.2023. The Requester will be entitled to work out its remedies before the High Court of Orissa.

3. Accordingly, the request cases are disposed of as withdrawn with the liberty, as prayed for.

(K. Vinod Chandran, CJ)

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