IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.36226 of 2026

CNR No. ODHC010850572026

Mamata Yadav …. ***Petitioner***

Mr. Shibani Shankar Pradhan, Advocate

-Versus-

The Collector-cum-Arbitrator-cum-District Magistrate, Khordha and another ….

Opposite Parties

Mr. Sonak Mishra, Addl. Standing Counsel

CORAM:

HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

AND

HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

Order No. **10.11.2026**

02. ***1.*** This matter is taken up through hybrid arrangement.

2. Pursuant to order dated 06.11.2026, Mr. Amrit Ruturaj, the Collector, Khordha is present in Court today.

3. The instant writ petition has been filed by the petitioner challenging the order dated 05.01.2026 passed in a note-sheet whereby and whereunder the application dated 02.05.2025 filed by the petitioner for clarification of the order dated 02.04.2025 passed in

Arbitration Case No.01 of 2022 by the Collector-cum-Arbitrator, Kordha has been rejected.

4. Learned counsel for the petitioner submitted that the petitioner is an affected land owner whose land was acquired in connection with the National Highway Project and that the award under Section 3G was passed on 18.09.2019. Being aggrieved by the determination of compensation, the petitioner filed Arbitration Case No.01 of 2022 before the Collector, Khordha who was acting as the statutory Arbitration under Section 3G(5) of the National Highways Act, 1956. Upon adjudication of the dispute, the award has been passed by the Collector, on 02.04.2025 in the aforesaid Arbitration Case.

5. Since there is some dispute in the said award dated 02.04.2025, the petitioner filed an application on 02.05.2025 for clarification of the same, but without entering into the disputed questions of fact, *vide* order dated 05.01.2026 under Annexure-8, an order has been passed in the note sheet by the Bench Clerk in the Office of the Collector and District Magistrate, Khordha that as per the settled legal position, once an arbitral order has been passed and has attained its

finality, the same cannot be reopened/reviewed unless expressly permitted under the statue, which is not applicable in the present case, and accordingly, rejected the clarification petition filed by the petitioner on 02.05.2025.

6. Learned counsel for the petitioner submitted that the Collector, Khordha being the Arbitrator who passed the order dated 02.04.2025 has to consider the application filed by the petitioner on 02.05.2025 for clarification of the said order invoking Section 33 of the Arbitration and Conciliation Act, 1996 within the statutory period, but without considering the same, has passed the order dated 05.01.2026 *vide* Annexure-8 in a mechanical manner in a note sheet.

7. At the outset, the Collector, Khordha prays that he may be given an opportunity to decide the matter afresh after giving notice to the concerned parties.

8. Considering the limited grievance made by the petitioner, without expressing any opinion on the merit of the matter, this Court deems it appropriate to remit the matter to the Collector-*cum*-Arbitrator, Khordha for clarification and correction of the final order dated

02.04.2025 passed by him in Arbitration Case No.01 of 2022, within a period of four weeks hence. It is also made clear that the Collector, Khordha shall give an opportunity of hearing at the time of hearing the matter.

9. With the aforesaid observation (s) and direction, the writ petition stands disposed of.

10. The personal appearance of the Collector, Khordha is dispensed with.

(Dr. Sanjeeb K Panigrahi)
Judge

(Murahari Sri Raman)
Judge

Bichi

Signature Not Verified
Digitally Signed
Signed by: BICHITRANANDA SAHOO
Designation: Secretary
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 11-Nov-2026 18:05:08