
(2021) 11 OHC CK 0180
In the Orissa High Court
Case No : Writ Petition (C) No. 18548 Of 2021

Ashok Kumar Tripathy

APPELLANT

Vs

Sole Arbitrator And Others

RESPONDENT

Date of Decision : 29-11-2021

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 12, 13, 14, 15, 16

Citation : (2021) 11 OHC CK 0180

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : P.P.Mohanty, R.C.Panigrahi

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Ms. Mohanty, learned advocate appears on behalf of petitioner and submits, impugned are annexures 5 and 6 being letters dated 7th June, 2021 and 10th June, 2021, respectively written by opposite party financier and sole arbitrator. She submits, clause 23 in the loan agreement is the arbitration clause. Venue of arbitration is New Delhi but her client obtained loan to purchase vehicle and everything happened within the territory, over which this Court exercise writ jurisdiction. She seeks interference.

2. Mr. Panigrahi, learned advocate appears on behalf of the financier and relies on judgment of the Supreme Court in Bhaven Construction v. Executive Engineer Sardar Sarovar Narmada Nigam Ltd., available at 2021 SCC OnLine SC 8, paragraph 11. He submits said Court declared that Arbitration and Conciliation Act, 1996 is a code in itself. As such judicial interference by writ petition is not possible. Furthermore, petitioner agreed for venue of arbitration to be in New Delhi and after that no question of where cause of action arose or anything else are relevant. He submits further, sections 12 to 16 in the Act provide for any remedy that might be availed by petitioner. He explains, the first annexure 5 is

appointment of sole arbitrator in terms of the agreement and annexure 6 is the appointee's disclosure under the schedule.

2. It is not necessary to adjudicate on the challenge based on cause of action arising in the territories, over which this Court exercises writ jurisdiction because petitioner will be entitled to avail opportunity to present his case in the reference, virtually. The facility must be made available to petitioner, for purpose of pleadings as well as argument.

3. With above observation, the writ petition is disposed of

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