

(2022) 07 OHC CK 0074
In the Orissa High Court
Case No : ARBA No.8 Of 2002

State Of Odisha And Another

APPELLANT

Vs

Choudhury Natabar Sahoo (Dead) And Others

RESPONDENT

Date of Decision : 14-07-2022

Acts Referred:

Arbitration Act, 1940 — Section 30, 33

Citation : (2022) 07 OHC CK 0074

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : Sailaja Nanda Das, S. P. Mishra

Final Decision : Allowed

Judgement

Arindam Sinha, J

1. Mr. Das learned advocate, Additional Standing Counsel appears on behalf of appellants. He submits, the appeal is against impugned judgment, whereby challenge under section 30 made by petition under section 33 in Arbitration Act, 1940 stood rejected/dismissed. Five claims were allowed. In allowing them the arbitrator miss-conducted himself and the proceedings.

2. He submits, first awarded claim no.15 was for escalation. It was allowed in respect of the contract providing for rates as given in the 1964 schedule rates. It is irrelevant that some part of the work continued after coming into force of the 1972 schedule of rates since the arbitrator could not have gone beyond four corners of the contract.

He relies on order dated 1st December, 2021 in Civil Appeal no.7738 of 2021 (Pranab Jyoti Das Vs. The General Manager), wherein the Supreme Court did not interfere with the High Court having declined claim for higher rates based on a subsequent schedule of rates having come into effect. Furthermore, the tribunal went on to allow refund of security deposit simply because his client did not raise counter claim.

3. Mr. Das prays for adjournment to conclude his argument on next date. Mr. Mishra, learned senior advocate appears on behalf of respondents.

4. List on 21st July, 2022.

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