IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.25806 of 2023

Prakash Roadlines Corporation Ltd., Kolkata and another ..... ***Petitioner***

Represented By Adv. – Mr.Avijit Pattnaik

-versus-

Mahanadi Coadfields Limited, Burla, Sambalpur, Odisha and others ..... ***Opposite Parties***

Represented By Adv. – Mr.Haripad Mohanty, for O.P.No.1

Mr.Rajeet Roy,Advocate for O.P.No.5

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
17.07.2025

Order No.

05. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard Mr.Patnaik, learned counsel for the Petitioner and Mr.Mohanty, learned counsel for Opposite Party No.1-Company.

3. After hearing learned counsels from both sides, this Court is of the view that the dispute involved in the present Writ Petition is contractual in nature. Learned counsel for the Petitioner submitted that nothing is to be recovered from the Contractor as

the work order was executed within the stipulated period of time. Denying such stand, learned counsel for the Opposite Party-Company contended that they have already indicated in the revised estimate dated 08.08.2023 that the dues that are recoverable from the contractor in respect of the work executed by him. In view of the aforesaid claim by the two contracting parties with regard to particular work order, this Court is of the view that the matter can be resolved through the mechanism of mediation.

4. It appears that Clause-12 of the General Terms and Conditions of the Contract under Annexure-3 provides that there exists a mechanism for resolution/settlement of the dispute.

5. Without entering into the merits of the matter, this Court is of the view that in the event both sides agreed for appointment of an Arbitrator to resolve the dispute in terms of the Arbitration and Conciliation Act, 1996, the entire dispute can be adjudicated by the learned Arbitrary in a time bound manner.

6. Accordingly, the parties are directed to obtain instructions from their respective clients by the next date.

7. List this matter on 05.08.2025 at 2 P.M.

8. Free copy of this order be handed over to the learned counsels for both parties.

(A.K. Mohapatra)
Judge

RKS