



IN THE HIGH COURT OF ORISSA AT CUTTACK

ARBA No.5 of 2026

CNR No. ODHC010289992026

State of Odisha & Anr. *Appellant(s)*
Mr. Debashish Nayak, AGA

versus-

M/s. B. Engineers & Builders Ltd., *Respondent(s)*
Bhubaneswar

Mr. Sidhanta Dwibedy, Adv.

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

ORDER

31.08.2026

Order No.

01.

1. These matters are taken up through hybrid arrangement.
2. In filing the present Appeal, the Appellant has challenged the impugned judgment dated 08.12.2025 passed by the learned Senior Civil Judge, Commercial Court, Cuttack in ARBP No.06/2020.
3. Heard.
4. At the outset, drawing the attention of this Court to the judgment dated 08.01.2025 passed in ARBA No.7 of 2024 learned counsel for the Respondent submits that instead of preferring the present ARBA the Appellant should have approached the concerned Commercial Appellate Court i.e. the Court of learned District & Sessions Judge,



Cuttack challenging the judgment dated 08.12.2025 passed in the above noted ARBP.

5. The relevant portions of the said judgment dated 08.12.2025 are extracted herein below:-

“36. Section 37 of the 1996 Act provides that an appeal shall lie to the court authorized by law to hear appeals original decrees of the court passing the order, inter alia, refusing to set aside an arbitral award under Section 34. Section 13(1) of the 2015 Act provides that any person aggrieved by the judgment and order of a Commercial court below the level of a District Judge may appeal to a commercial Appellate Court within a period of sixty days from the date of judgment or order.

37. The Court of the District Judge has already been constituted as Commercial Appellate Court on 11.1.2021. The appeals against the impugned order passed by the learned Commercial court, which was below the level of the District Judge, being the Court of the Ld. Civil Judge (Senior Division), ought to have been filed before the Commercial Appellate Court and not before this Court.

38. Consequently, the appeals are returned without examining the merits of the case to enable the Appellants to approach the Commercial Appellate Court which has the necessary jurisdiction to decide them in accordance with law.”

6. Considering the submission made on behalf of the Respondent and looking to the judgment dated 08.01.2025 passed in the above noted ARBA, this Court without going into the merits of the case, directs the Appellant to file an appropriate application challenging the judgment dated 08.12.2025 passed in the above noted ARBP along with a petition for condonation of delay, if any, before the concerned Commercial Appellate Court



i.e. the Court of learned District & Sessions Judge,
Cuttack.

7. This ARBA is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Ayaskanta