



IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P No.1279 of 2026

CNR No.ODHC010564382026

*M/s. Shyam Filling
Station, Cuttack*

....

Petitioner(s)

Mr. Kausik Anand Guru, Adv.

-versus-

*M/s. Reliance Industries
Limited, Bhubaneswar &
Anr.*

....

Opposite Party(s)

Mr. Milan Kanungo, Sr. Adv.

Mr. R.K. Kanungo, Adv.

C.M.P No.1070 of 2026

CNR No.ODHC010477002026

*M/s. Shyam Filling
Station, Cuttack*

....

Petitioner(s)

Mr. Kausik Anand Guru, Adv.

-versus-

*M/s. Reliance Industries
Limited, Bhubaneswar &
Anr.*

....

Opposite Party(s)

Mr. Milan Kanungo, Sr. Adv.

Mr. R.K. Kanungo, Adv.

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No.

13.08.2026

01.

1. Both these matters are taken up through hybrid arrangement.



2. By filing CMP No.1279 of 2026, the Petitioner has prayed for quashing of the order dated 07.07.2026 passed in C.M.A. No.21 of 2025 by the learned Senior Civil Judge (Commercial Court), Cuttack, under Annexure-6 series. The Petitioner has further prayed for a declaration that the entire proceeding in C.M.A. No.21 of 2025 is null and void and for consequential reliefs.

3. By filing CMP No.1070 of 2026, the Petitioner has prayed for quashing of the order dated 19.05.2026 passed in Execution Case No.222 of 2018 by the learned Senior Civil Judge (Commercial Court), Cuttack, under Annexure-6. The Petitioner has further prayed for a direction to the learned Registrar, Civil Court, Cuttack, to release/disburse the amount of Rs.4.71 Crores, together with the interest accrued thereon up to date, lying deposited in a Nationalized Bank pursuant to the arbitral award, in favour of Sri Abhisek Khandal and Sri Akhilesh Khandal, stated to be the legal heirs of deceased Sri Shyam Sundar Sharma, to the extent of the liability legally determined in the execution proceeding, so as to facilitate early disposal of the execution proceeding.

4. Heard learned counsel appearing for the parties and perused the materials placed on record.

5. Without expressing any opinion on the merits of the case and contentions raised by the parties, this Court



considers it appropriate, in the interest of justice, to direct the learned Senior Civil Judge (Commercial Court), Cuttack, to take up and decide the restoration application in C.M.A. No.21 of 2025 expeditiously, along with the question of limitation, if any, arising in connection therewith. The learned Court below shall decide the aforesaid issues, after affording reasonable opportunity of hearing to all concerned parties, within a period of seven days from today. In view of the time-bound direction, unnecessary adjournment shall ordinarily not be granted to either side.

6. The execution proceeding in Execution Case No.222 of 2018 shall be taken up and proceeded with after adjudication of the restoration application in C.M.A. No.21 of 2025. It is clarified that the learned Executing Court shall thereafter proceed in accordance with law, having regard to the outcome of the restoration application and the subsisting liability under the arbitral award.

7. In the event the restoration application is rejected, the amount deposited by the Judgment Debtor before the Executing Court shall, subject to verification of the decretal/award liability, the entitlement of the decree-holder(s) and compliance with any requirement of law or order of the Executing Court, be released/disbursed forthwith in accordance with law and, in any event,



preferably within a period of one week from the date of such rejection.

8. With the aforesaid observations and directions, both the CMPs stand disposed of. It is made clear that this Court has not expressed any opinion on the merits of the restoration application, the limitation issue, the validity or enforceability of the arbitral award, or the respective claims of the parties in the execution proceeding. All such questions are left open to be considered by the learned Court below in accordance with law.

9. Web copy of this order downloaded from the official website of this Court shall be treated as an authenticated copy.

(Dr. Sanjeeb K Panigrahi)
Judge