

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.399 of 2014

In

Civil Writ Jurisdiction Case No. 12080 of 2014

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M/s Param Enterprises (p) Ltd. through Puneet Pathak (MD) son of Sri Satya Narayan Pathak, resident of 12/2Hungerford Street, Flat-1, P.S. Shakespeare Sarani Thana, Kolkata- 700017 (W.B.)

.... Petitioner/s

Versus

1. The East Central Railway Through Chief Signal & Telecom Engineer/con/north, East Central Railway, Mahendru Ghat, Patna
2. The Financial Advisor and Chief Accounts Officer/ CON, East Central Railway, Mahendrughat, Patna
3. The Dy. Chief Signal and Telecom Engineer/ CON, East Central Railway, Hajipur, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Respondent/s : Mr. Anil Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 14-01-2015 Heard learned counsel for the parties as with regard to the prayer of the petitioner to review the order of this Court dated 25.08.2014 in connected writ application C.W.J.C. No. 12080/2014 allowing the petitioner to withdraw the aforesaid writ petition in order to enable it invoke arbitration clause of its agreement with Railways.

While this Court will have no reason to review the aforesaid order as there is no apparent error on the face of record, the solitary apprehension of the learned counsel for the petitioner being now made the ground of review that the arbitration proceeding before the named official Arbitrator of the Railways

will consume undue long period also seems to be wholly misplaced, inasmuch as this Court has already indicated that the arbitration proceeding should be brought to an end preferably within a period of four months. Such order having been passed on 25.8.2014 if the petitioner itself has not moved the Railways seeking arbitration till date its aforesaid apprehension for the review of the order of this Court has to be only noted for its being rejected.

Nonetheless if the petitioner even now approaches the competent authority for seeking arbitration, this Court would expect the Arbitrator to be more fair and take all possible steps to conclude the arbitration proceeding within the aforementioned period of four months positively. Such expeditious conclusion of arbitration proceeding, however, always be subject to co-operation of the petitioner itself.

With the aforementioned observation, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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