

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.303 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 10863 of 2014
Along with
Interlocutory Application No.1357 of 2015

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M/s Lal Chinta Rice Mill situated at Industrial Area Giddha, P.S.- Koelwar,
District-Bhojpur, through its Managing Director Sri Sonu Kumar Rai, S/o Sri Lal
Das Rai.

.... Petitioner-Appellant

Versus

1. The State of Bihar through the Secretary, Food and Civil Supplies Department,
Govt. of Bihar, Patna.
2. The District Manager, State Food Corporation, Bhojpur at Ara.

.... Respondents- Respondents

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Appearance :

For the Appellant : Mr. Binod Kumar Sinha, Advocate

For the Respondents : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 28-04-2016

Re.: Interlocutory Application No.1375 of 2015

The application is to seek condonation of delay of 91 days
in filing the present appeal.

For the reasons mentioned in the application, we find that
sufficient cause is shown by the appellant to seek condonation of delay
of 91 days in filing of the appeal. Consequently, the delay is condoned.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.303 of 2015



The present Letters Patent Appeal is directed against a consent order passed by the learned Single Bench of this Court on 23rd July, 2014 whereby the writ application was decided in accordance with the judgment passed by the learned Single Bench in C.W.J.C. No.9133 of 2014 (M/s Shivam Mini Modern Rice Mill Vs. The State of Bihar & Ors.) on 22.07.2014. In the said judgment, the learned Single Bench had held that on receipt of demand notice, if the petitioner had any grievance, they could easily take recourse to conciliation proceedings in terms of Clause 16 of the agreement. It is thereafter, the petitioner had remedy to seek reference for arbitration before the Collector of the District.

Since the order under challenge is a consent order, we do not find that the present Letters Patent Appeal is maintainable, more so, when the appellant has an alternative efficacious remedy to seek arbitration in terms of the agreement.

In view thereof, we do not find any merit in the present appeal. The same is dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N. A.
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