

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.150 of 2015

IN

LPA No. 572 of 2015

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Rohit Rice Mill, Lakhisarai Proprietor Binod Singh son of Late Kishori Singh,
resident of village - Baghaur, P.S. - Halsi, District - Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. The Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation , Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Jamui.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Jamui.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar, Advocate
For the BSFC : Mr. Shailendra Kumar Singh, Advocate
For the State : Mr. Sanjay Kumar, AC to GA-13

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 23-08-2016

The present review application by the
appellant in L.P.A. No. 572 of 2015 (Rohit Rice Mill Vs. The
State of Bihar and others) is for review of order dated
17.04.2015, passed in the said L.P.A. along with other analogous
appeals.

Heard learned counsel for the review
petitioner, learned counsel for the State and the learned counsel

appearing on behalf of Bihar State Food and Civil Supplies Corporation Ltd. (hereinafter referred to as the Corporation).

Learned counsel for the review petitioner is aggrieved by Clause (B) of the operative part of the judgment in appeal, with regard to payment of balance amount of certificate proceedings. He submits that as per agreement as between the Corporation and the petitioner, there is a clause for arbitration and the dispute has been referred by him for arbitration, which is pending. If the order, as passed, is allowed to operate then there would be no purpose for arbitration, for, the Arbitrator could vary the amount, otherwise.

Having considered the matter, the only observation we can make, is that the liability in the certificate proceedings would be dependent upon the outcome of arbitration case, which is said to be pending before the Collector, Jamui. We would only request the Collector-cum-District Magistrate, Jamui to enquire into the matter and if it is found that the review petitioner had filed an application for arbitration in terms of Clause 16 of the agreement, as between the petitioner and the Corporation, he would dispose of the same within two months after hearing the parties. Consequently, the certificate proceedings would, accordingly, stand amended.

With the observation aforesaid, the review application stands disposed of.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

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