

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.4419 of 2013**

- =====
1. M/s Jai Hanuman Petroleum at Village- Sarai Baksh, P.O. and P.S.-Bheldi through its Proprietor.
  2. Sheo Nath Rai son of Deo Balak Rai, Proprietor of The Petitioner No. 1, R/O Village and P.O.- Katsa, P.S.- Bheldi, District- Saran

.... .... Petitioners

Versus

1. Indian Oil Corporation Limited G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai through its Chairman.
2. General Manager, Bihar, Indian Oil Corporation Ltd. Lok Nayak Bhawan, 5th Floor, Dak Bungalow Road, Patna
3. Deputy General Manager, Sales and Supply Bihar, Indian Oil Corporation Ltd. Lok Nayak Bhawan, 5th Floor, Dak Bungalow Road, Patna.
4. Muzaffarpur Divisional Office, Indian Oil Corporation Ltd., Krishna Complex, Akharaghat Road, Muzaffarpur through Senior Divisional Retail Sales Manager.
5. Senior Divisional Retail Sales Manager Indian Oil Corporation Ltd., Muzaffarpur Divisional Office, Krishna Complex, Akharaghat Road, Muzaffarpur
6. Assistant Manager, Indian Oil Corporation Ltd., Retail Sales, Chapra

.... .... Respondents

=====

**Appearance :**

- For the Petitioners : Mr. Vishnanath Prasad Sinha, Sr. Adv.  
Mr. Nagendra Rai, Adv.
- For the Respondents : Mr. Anil Kumar Sinha, Adv.  
Mr. Abhimanyu Deo, Adv.  
Mr. Amlesh Kumar Verma, Adv.

=====

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 28-10-2016**

By order dated 04.08.2016, this Court had expressed that it was not inclined to enter into the merits of the matter in view of availability of the forum of arbitration.

2. Accordingly and as jointly proposed by the parties, this Court appoints Hon'ble Mr. Justice Shyam Kishore Sharma, a retired Judge of this Court residing at 305, Kumar Shanti Enclave, Parmanand

Path, Nageshwar Colony, Patna 800001 as the sole Arbitrator in respect of the dispute between the parties.

3. The petitioners must approach the learned Arbitrator within one month along with a certified copy of this judgment and the learned Arbitrator will proceed with the adjudication in accordance with the provisions of the Arbitration and Conciliation Act, 1996, as far as applicable. The fees of the learned Arbitrator shall abide by the Fourth Schedule to the said Act, which shall be borne equally by the parties.

4. The writ petition stands disposed of.

**(Vikash Jain, J)**

Md. Ibrarul/Chandran

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | N.A.       |
| Uploading Date    | 29.10.2016 |
| Transmission Date | N.A.       |