

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9143 of 2016

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1. M/s Patna Offset Press, a registered partnership firm having its Registered office at- Naya Tola, Near Dharahara Kothi, P.S.- Kadam Kuan, P.O.- Bankipore, District-Patna through one of its partners- Sri Amit Kumar Singh, S/O Shri Ram Naresh Singh, resident of Mohalla-Naya Tola, Near Dharahara Kothi, P.S.-Kadam Kuan, P.O.-Bankipore, District-Patna.
 2. Sri Vinay Singh,
 3. Sri Amit Kumar Singh, Both S/O Shri Ram Naresh Singh, null
 4. Smt. Supriti Singh, W/O Sri Shailesh Kumar Singh, All residents of Mohalla- Naya Tola, Near Dharahara Kothi, P.S.-Kadam Kuan, P.O.- Bankipore, District-Patna. All are partners of M/s Patna Offset Press, Registered Office at Naya Tola, Near Dharahara Kothi, P.S.-Kadam Kuan, P.O.- Bankipore, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar New Secretariat, Bailey Road, Patna.
2. The Chairman-cum- Principal Secretary, Education Department, Government of Bihar, New Secretariat, Bailey Road, Patna.
3. The Bihar Text Book Publishing Corporation Ltd. through its Managing Director, Pathya Pustak Bhawan, Budh Marg, Patna-1.
4. Mr. B.M.Patel, Managing Director, the Bihar Text Book Publishing Corporation Ltd., Pathya Pustak Bhawan, Budh Marg, Patna-1.
5. The Managing Director, the Bihar Text Book Publishing Corporation Ltd., Pathya Pustak Bhawan, Budh Marg, Patna-1.
6. The Bihar Education Project Council, through its State Project Director, Rastra Bhasha Parishar, Saidpur, Rajendra Nagar, Patna-800004.
7. The State Project Director, the Bihar Education Project Council, Rastra Bhasha Parishar, Saidpur, Rajendra Nagar, Patna-800004.
8. The Manager (Marketing & Sales), Sarva Shiksha, the Bihar Text Book Publishing Corporation Ltd., Pathya Pustak Bhawan, Budh Marg, Patna-1.
9. The Internal Committee, the Bihar Text Book Publishing Corporation Ltd., Pathya Pustak Bhawan, Budh Marg, Patna-1.
10. M/s Puja Printech Pvt. Ltd. Patliputra Industrial Estate, P.O. & P.S.- Patliputra, Patna-13
11. M/s Nav Bihar Media Pvt. Ltd. Patliputra Industrial Estate, P.O. & P.S.- Patliputra, Patna-13.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Singh Ms. Vagisha Pragya Vacaknavi
For BSTP Corporation	:	Mr. P.K. Shahi, Senior Advocate Mr. Nikesh Kumar
For respondent No.10	:	Mr. Vikas Kumar
For respondent No.11	:	Mr. Rana Vikram Singh Mr. Sanjeev Kumar
For the State	:	Mr. Subhash Prasad Singh,GA-VII Mr. Ghanshyam Sharma, J.C. to GA-VII

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

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27-07-2016

Heard learned counsels for the parties.



The writ application has been filed for quashing the office order dated 13.04.2016 of the Managing Director, Bihar State Text Book Publishing Corporation, by which he has directed to stop any type of payment to petitioner No.1 with respect to Set Making of Text Books and Block wise supply; further the contract given to petitioner No.1 by order dated 08.09.2015 for Set Making of Text Books and Block wise supply has been cancelled; lastly security deposit of petitioner No.1 was ordered to be forfeited and it has been debarred for three years from Set Making Agency Work of the Corporation and also for quashing the further consequential action of the respondent and for directing the respondents to make payment of the bills of the petitioners and refund the performance security and book security etc. Prayer is also to quash the allotment of work of 3rd and 4th phase under Sarva Shiksha Abhiyan to respondent Nos. 10 and 11 issued on 28.04.2016.

Several grounds have been raised by learned counsel for the petitioners against the impugned order stating that the same are arbitrary and not in accord with the law laid down by the Apex Court in the various decisions with regard to issuance of a proper notice indicating the punishment therein as also apply mind to the reply to the show cause filed.

Ultimately, the parties have agreed to go for arbitration in view of there being an arbitration clause in which the Principal

Secretary of the Human Resources Department, who is also the Chairman of the Corporation, shall be the sole arbitrator, but it is submitted by learned counsel for the petitioner that in view of the amendment brought about by the Arbitration and Conciliation (Amendment) Act, 2015, the matter has to go to an independent Arbitrator. After consultation among themselves, the parties have agreed that so far as the issues and facts, except the question of debarment, are concerned, the matter may be referred to arbitration by Mr. Justice Shyam Kishore Sharma, a retired Judge of this Court.

In the above circumstances, the impugned orders are set aside and the matter is referred to Mr. Justice Shyam Kishore Sharma, a retired Judge of this Court, for arbitration on all claims and issues that may be raised by the parties before him. It shall be open to the parties to make any prayer before the learned Arbitrator in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and he may pass appropriate order thereon.

So far as the question of debarment is concerned, it shall be open to the Respondent-Corporation to proceed afresh with regard to the same in accordance with law on the basis of the findings given by the learned Arbitrator.

The writ application is, accordingly, disposed of.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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