

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2262 of 2016

IN

Civil Writ Jurisdiction Case No. 6726 of 2014

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Umesh Paswan son of late Baleshwar Paswan, resident of village Noonpur,
Post Office – Dharhara, Police Station Hajipur Sadar, District Vaishali

.... Petitioner

Versus

1. The Indian Oil Corporation Ltd. through its Chairman, having its registered office at G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai, Maharashtra, India.
2. The Director (Refineries), Indian Oil Corporation Ltd. (Refineries Division), SCOPE Complex, Core-2, 7, Institutional Area, Lodhi Road, New Delhi-110003.
3. The Director (HR) Indian Oil Corporation Ltd. 3079/2, Sadiq Nagar, J.B. Tito Marg, New Delhi-110049.
4. The General Manager, Indian Oil Corporation Ltd. Bihar State Office, Lok Nayak Jai Prakash Bhawan (5th Floor), Dak Bunglow Chowk, Patna-800001
5. The Senior Divisional Manager, Retail and Sales, Indian Oil Corporation Ltd. Maurya Complex, A Block, 3rd Floor, Dak Bunglow Road, Patna-800001
6. The Assistant Manager, Retail and Sales, Indian Oil Corporation Ltd. Maurya Complex, A Block, 3rd Floor, Dak Bunglow Road, Patna-800001
7. The Field officer, Retail and Sales, Indian Oil Corporation Ltd. Maurya Complex, A Block, 3rd Floor, Dak Bunglow Road, Patna-800001

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Rakesh Kumar Soni, Advocate

For Opposite Parties : Mr. Anil Kumar Sinha

Mr. Ankit Katriar, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-07-2016

The present application has been filed for modification of the judgment dated 26.04.2016 passed in CWJC No. 6726 of 2014 by which, inter alia, Hon'ble Mr. Justice Jayanandan Singh, a retired Judge of this Court, had been appointed as the sole Arbitrator.

2. It is informed that Justice Jayanandan Singh has

expressed unwillingness to enter upon the reference and it has, therefore, been prayed for appointment of another Arbitrator in his place.

3. In the above view of the matter, the judgment dated 26.04.2016 passed in CWJC No. 6726 of 2014 stands modified to the extent that reference to “Hon’ble Mr. Justice Jayanandan Singh, a retired Judge of this Court”, made in paragraph 7 thereof shall stand substituted by “Hon’ble Mr. Justice Shyam Kishore Sharma, a retired Judge of this Court” as the sole Arbitrator.

4. Considering that the dispute between the parties relates to termination of the petitioner’s dealership of retail outlet which does not involve sum in dispute, further modification is made in paragraph 8 of the aforesaid judgment by substituting the sentence “The fees of the Arbitrator shall abide by the Fourth Schedule of the Act, and shall be borne equally by the parties” with the sentence “The learned Arbitrator shall fix his remuneration which shall be borne equally by the parties”.

5. The period of one month granted by the said judgment dated 26.04.2016 in CWJC No. 6726 of 2014 for appearing before the learned Arbitrator having since elapsed, time for such appearance is further extended by one month within which the petitioner shall appear before the newly appointed sole

Arbitrator with certified copies of this judgment and the judgment dated 26.04.2016 passed in CWJC No. 6726 of 2014, along with his statement of claims.

6. The modification petition stands disposed.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.07.2016
Transmission Date	N/A