

IN THE HIGH COURT OF JUDICATURE AT PATNA

Request Case No.6 of 2017

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Ashok Kumar Singh

.... Petitioner/s

Versus

The Bihar State Food And Civil Supplies Corporation Limited & Ors

.... Respondent/s

with

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Request Case No. 10 of 2017

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Sushma Gupta

.... Petitioner/s

Versus

The Bihar State Food And Civil Supplies Corporation Limited & Ors

.... Respondent/s

with

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Request Case No. 22 of 2017

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1. Kumar Anand Singh Son of Dharikshan Singh, Director of Captain Ramesh Rice Mill Pvt. Ltd., resident of Village- Baligaun, P.S.- Ayer, District- Bhojpuri (Ara).

.... Petitioner/s

Versus

1. The Bihar State Food & Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R- Block, Road No. 2, Patna- 800001, through its Managing Director.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R- Block, Road No. 2, Patna- 800001.
3. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Bhojpur (Ara).

.... Respondent/s

with

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Request Case No. 24 of 2017

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Birendra Singh

.... Petitioner/s

Versus

The Bihar State Food Civil Supplies Corporation Limited & Ors

.... Respondent/s

with



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Request Case No. 25 of 2017

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Narendra Kumar Singh
..... Petitioner/s
Versus
The Bihar State Food Civil Supplies Corporation Limited Through Its M.d & Ors
..... Respondent/s
with

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Request Case No. 26 of 2017

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Abhay Singh
..... Petitioner/s
Versus
The Bihar State Food Civil Supplies Corporation Limited Through Its M.d & Ors
..... Respondent/s
with

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Request Case No. 27 of 2017

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Arun Kumar Singh
..... Petitioner/s
Versus
The Bihar State Food Civil Supplies Corporation Limited Through Its M.d & Ors
..... Respondent/s
with

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Request Case No. 33 of 2017

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1. Arun Kumar Pandey S/o- Ram Naresh Pandey, R/o Village- Baroondih, P.S.-
Baroon, District- Aurangabad.
..... Petitioner/s
Versus
1. The Bihar State Food Civil Supplies Corporation Limited through its M.D.,
Bihar at Patna.
2. The Managing Director Bihar State Food Civil Supplies Corporation Limited,
Bihar at Patna.
3. The District Manager, B.S.F.C., Aurangabad, District- Aurangabad.
..... Respondent/s
with



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Request Case No. 84 of 2017

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1. Markandey Singh Son of Santan Singh, proprietor of M/S Singh Rice Mill, Resident of Village+P.O.-Gopalpur, P.S.-Sherghati, District-Gaya.

.... Petitioner/s

Versus

1. The Managing Director, Bihar State Food & Civil Supply Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.-2, Patna-800001.through its Managing Director.
2. The Bihar State Food & Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.2, Patna-800001.
3. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Gaya.

.... Respondent/s

with

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Request Case No. 85 of 2017

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1. Vikash Kumar Singh Alias Vikash Kumar Son of Ravindra Prasad Singh, Proprietor of- M/s Nikhileshwar Rice Mill, Resident of Village-Siwan Bigha, P.S.-Risiup, District-Aurangabad.

.... Petitioner/s

Versus

1. The Bihar State Food & Civil Supplies Corporation Limited through its Managing Director, Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No. 2, Patna-800001.
2. The Managing Director, Bihar State Food & Civil Supplies Corporation, Limited, Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.2, Patna-800001.
3. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Aurangabad.

.... Respondent/s

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Appearance :

(In REQ. CASE No.6 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate

For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In REQ. CASE No.10 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate

For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In REQ. CASE No.22 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate

For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In REQ. CASE No.24 of 2017)

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate



For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate
(In REQ. CASE No.25 of 2017)
For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate
(In REQ. CASE No.26 of 2017)
For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate
(In REQ. CASE No.27 of 2017)
For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate
(In REQ. CASE No.33 of 2017)
For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate
(In REQ. CASE No.84 of 2017)
For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr.
(In REQ. CASE No.85 of 2017)
For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date: 26-07-2017

In identical proceedings i.e. in Request Case Nos.8 of 2016 and various other analogous cases, a detailed order has been passed by me on 19.4.2017 allowing an application under Section 11(6) of the Arbitration and Conciliation Act and an Arbitral Tribunal has been constituted. In these applications also, the respondents herein had entered into an agreement with the appellant and the issues, identical in nature, has been referred for arbitration on 19.4.2017. As identical issues are involved in the matter which has already been considered on 19.4.2017 in Request Case No.8/2016 and other cases and as the same objections are raised herein, I see no reason to take a different view from the one already taken by me on 19.4.2017 when a series of cases detailed hereinabove were disposed of.



The objection of the respondents that the matter is pending before the Hon'ble Supreme Court in an S.L.P. cannot be a ground for postponing the matter as for the last more than six weeks adjournments are taken on this very ground. That apart, the contention that certain applicants have deposited the amount is not a ground for refusing arbitration, but a ground to be raised by the respondents before the Arbitrator and the consequential effect taken note of by the Arbitrator.

For the reasons and ground indicated in the order dated 19.4.2017, these applications are allowed.

Justice (Retired) R.K. Datta is appointed as arbitrator to adjudicate the dispute. However, in these proceedings this Court has not gone into the merits of various objections raised with regard to maintainability of the dispute. In view of the certificate proceedings held, the question of limitation and all other issues are left open to be canvassed by the parties before the arbitrator.

(Rajendra Menon, CJ)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28.7.2017
Transmission Date	N/A

