

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1315 of 2016

Arising out of

Request Case No. 10 of 2014

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Braj Kishore Pandey, Son of Late Shyamal Kishore Pandey, Permanent resident of Village - Doohari Bath, Post Office and Police Station - Bath, District - Bhagalpur, presently residing on the 11th Floor, Udaigiri Apartment (South Block) Budh Marg, Patna - 800001.

.... Appellant/s

Versus

1. M/s Hem Developers Pvt. Ltd. A Company incorporated under the Companies Act, 1956, having its registered office at Road No. 12, Rajendra Nagar, Patna, Police Station - Kadam Kuan, Patna - 800016, through its duly authorized Director namely Shri Prakash Kumar, Son of Shri Murli Prasad Sinha, resident of Road No. 12, Rajendra Nagar, Police Station - Kadam Kuan, Patna - 800016.
2. Shri Prakash Kumar, Son of Shri Murli Prasad Sinha, Advocate resident of Road No. 12, Rajendra Nagar, Police Station - Kadam Kuan, Town and District - Patna - 800016.
3. Shri Bhavesh Kumar, Son of Name not known to the petitioner Managing Director of Hem Developer (P) Ltd., Office situated at Shyam Centre, Exhibition Road, Patna, Police Station - Gandhi Maidan, Patna - 800001.

.... Respondent/s

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Appearance :

For the Appellant/s :

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-05-2017

This Letters Patent Appeal has been filed under Clause 10 of the Letters Patent and challenge is made to an order dated 05.05.2016 passed by a Single Bench of this Court in Request Case No. 10 of 2014 rejecting an application filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 refusing to constitute an Arbitral Tribunal and dismissing the application on the ground of



delay.

Against an order passed by a nominee of the Hon’ble Chief Justice exercising jurisdiction under Section 11(6) of the Arbitration and Conciliation Act, an appeal under Clause 10 of the Letters Patent is not maintainable. The appeal is misconceived, is not maintainable and, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	04.05.2017
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