

IN THE HIGH COURT OF JUDICATURE AT PATNA
Request Case No.225 of 2017

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Mahendra Prasad, S/o- Sri Jaimangal Prasad Yadav, Prop- Vikash Rice Mill, R/o-
Village- Lakshamanama, P.O.- Saunaha, P.S.- Palanwan (Raxaul), District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumers, State of Bihar, Patna.
2. The District Collector/ Magistrate, Darbhanga.
3. The Bihar State Foods and Civil Supplies Corporation Limited, through its Managing Director, Sone Bhawan, Patna.
4. The District Manager, Bihar State Food and Civil Supply Corporation Limited, East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra

For the Respondent/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 08-11-2017

In identical proceedings i.e. in Request Case No.

8 of 2016 and various other analogous cases, a detailed order has been passed by me on 19.04.2017 allowing an application under Section 11(6) of the Arbitration and Conciliation Act and an Arbitral Tribunal has been constituted. In this application also, the respondents herein had entered into an agreement with the appellant and the issues, identical in nature, have been referred for arbitration on 19.04.2017. As identical issues are involved in the matter which have already been considered on 19.04.2017 in Request 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 19.04.2017 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 on earlier occasion adjournment is taken on this very ground. That apart, the contention of depositing 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 grounds indicated in the order dated 19.04.2017, this application is allowed.

Justice (Retired) V. Nath 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)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14/11/2017
Transmission Date	NA

