

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1532 of 2016

IN

Civil Writ Jurisdiction Case No. 8748 of 2016

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Adarsh Divya Vikas, A Society Registered under Society Registration Act, Society, having its office at 1/50 Vivekanand Marg, Boring Road, Patna through its Secretary, Gyanesh Kumar, S/o Sri Birendra Kumar Mishra, Resident of 1/50, Vivekanand Marg, Boring Road, Patna

.... Appellant/s

Versus

1. The State of Bihar through Secretary Department of Social Welfare, Bihar, Patna
2. The Women Development Corporation, 2nd Floor, Indira Bhawan, R.C. Singh Path, Bailey Road, Patna through its Managing Director
3. The Administrative officer, Women Development Corporation, 2nd Floor, Indira Bhawan, R.K. Singh Path, Bailey Road, Patna
4. The Senior Deputy Collector, District Patna
5. The Deputy Commissioner of Police Sadar, District Patna
6. The District Project Manager/Project Director, Women Development Corporation, Patna, Bihar
7. The State Programme Manager, Women Development Corporation, Bihar, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Mohan Mishra

For the Respondent/s : Mr. GA6- SMT NAMRATA MISHRA

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 27-07-2017

Seeking exception to an order dated 28.06.2016 passed by the writ Court in CWJC No.8748 of 2016, this appeal has been filed. Even though considering the fact that dispute in question pertains to shifting of a working women hostel from the premise of the appellant and various other claims arising out of the execution of the agreement entered into between the parties on 04.12.2013, vide



Annexure-2, the learned writ Court has directed the appellant to take recourse to remedy available under civil law.

Today, we find that, in the agreement in question, vide Annexure-2, there is an arbitration clause for resolution of the dispute between the parties. That being so, as the Managing Director is the authority to take decision with regard to conducting arbitration or to appoint an arbitrator under Clause 20 of the agreement in question, we grant liberty to the applicant to invoke the provisions of Clause 20 of the agreement by approaching to the Managing Director and the Managing Director is directed to take action in accordance with the aforesaid Clause.

With the aforesaid, this appeal stands disposed of.

(Rajendra Menon, CJ)

Arvind/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	
CAV DATE	
Uploading Date	03.08.2017
Transmission Date	

