

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.6139 of 2013

In
REQ. CASE 12 of 2010

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Bihar Communications Private Limited (Registered Under The Companies Act, 103 And 107, P.V. Complex, West Boaring Canal Road, Patna Through Its Authorised Signatories Shree A.M. Srivastava (Director) At Present Residing At Devashram, Shivajipath, Yarpur, Patna-1.

.... Petitioner/s

Versus

1. The Union of India, Through the Secretary (Sri H.K. Jaggi) Ministry Of Railways, New Delhi.
2. The Chief Commercial Manager (Sri Rajan Hasija) P.M. Northern Railway, I.R.C.A. Building, New Delhi.
3. The Chief Commercial Manager, (Sri Bijoya Sinha) Northern Railway, Barauda House, New Delhi.
4. The Deputy Chief Commercial Manager (Sri Sabir Ali) D.B. Northern Railway, I.R.C.A. Building, New Delhi.

.... Opposite Parties.

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Appearance:

For the Petitioner/s : Mr. Pancham Lal Jaiswal, Advocate.

For the Respondent/s : Mr. Anil Kumar Sinha and
(Railways) Mr. Ashish Sinha, Advocates.

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

9 26-04-2017 This contempt application has been filed under Article 215 of the Constitution of India read with Section 12 of the Contempt of Courts Act and the applicant has submitted that the award passed by the arbitrator appointed by this Court has not been complied with.

Even if an award passed by the arbitrator has not been complied with, an application for contempt under Article 215 of the Constitution of India read with Section 12 of the Contempt of Courts Act is not maintainable. It has been held by the Hon'ble



Supreme Court in **R.N. Dey & Ors. v. Bhagyabati Pramanik & Ors. [2000 (4) SCC 400]** that when an order passed can be executed in accordance with law, no contempt proceedings is maintainable and the aggrieved person has to seek execution of the award in accordance with law.

In view of the above, this application is dismissed with liberty to the application to seek execution of the award in question in accordance with law.

(Rajendra Menon, CJ)

Dilip, AR

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