

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Request Case No.37 of 2017**

- =====
1. Chandra Mohan Prasad, son of Sri Babu Lal Sah, resident of Chanpatia Ward No.2, P.S.- Chanpatia, District- West Champaran, Proprietor of M/S Vaishnav Rice Mill, Industrial Area, West Champaran, Bettiah.

.... .... 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.
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, West Champaran.

.... .... Respondent/s

with

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**Request Case No. 38 of 2017**

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1. Binod Sah, son of Sri Subh Lal Sah, Resident of Simeri, P.S.- Sathi, District- West Champaran, Proprietor of M/S Om Sai Rice Mill, Pakadi Dhala, West Champaran, Bettiah.

.... .... 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.
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, West Champaran.

.... .... Respondent/s

with

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**Request Case No. 39 of 2017**

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1. Lal Babu Mishra, son of Sri Hari Shankar Mishra, Resident of Shiv Raj Pur, P.S.- Nautan Bettia District- West Champaran, Proprietor of M/s Om Rice Mill, Shiv Rajpur, West Champaran, Bettiah.

.... .... 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.
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, West Champaran.



.... .... Respondent/s

with

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**Request Case No. 40 of 2017**

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1. Sanjay Kumar, son of Sri Awadh Bihari, Resident of Dumwalia, P.S.- Bagaha-2, District- West Champaran, Proprietor of M/s Sanjay Rice Mill, Dumwalia, West Champaran, Bettiah.

.... .... 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.
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, West Champaran.

.... .... Respondent/s

with

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**Request Case No. 41 of 2017**

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1. Rajesh Kumar Tulsian, son of Om Prakash Tulsian, resident of Narainpur, P.S.- Bagaha-1, District- West Champaran, Proprietor of M/S Rani Sati Dadi Rice Mill, Shastri Nagara Bagaha-1, West Champaran.

.... .... 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.
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, West Champaran.

.... .... Respondent/s

with

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**Request Case No. 42 of 2017**

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1. Madan Prasad Arya, son of Late Badari Prasad, resident of Old Bazar, P.S.- Shikarpur, District- West Champaran, Proprietor of M/s Ganesh Rice Mill, Narakatia Ganj, West Champaran, Bettiah.

.... .... 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.
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited,



West Champaran.

.... .... Respondent/s  
with

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**Request Case No. 43 of 2017**

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1. Bishwanath Kedia, son of Late Anandi Lal Kedia, resident of Dumwaliya, Bagaha-2, P.S.- Bagaha, District- West Chamaparan, Proprietor of M/s Gayatri Rice Mill, Chanpatia, Dumwaliya, Bagaha-2, West Chamaparan, Bettiah.

.... .... 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.
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, West Champaran.

.... .... Respondent/s  
with

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**Request Case No. 44 of 2017**

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1. Nand Kishore Prasad, son of Vijay Kumar Gupta, resident of Chanpatia Ward No.7, P.S.- Chanpatia, District- West Champaran, Proprietor of M/S Ekta Rice Mill Industrial Area, West Champaran, Bettiah.

.... .... 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.
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, West Champaran.

.... .... Respondent/s  
with

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**Request Case No. 45 of 2017**

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1. Sabalu Kumar, son of Sri Sadhu Saran Sah, Resident of Gandhi Nagar, P.S.- Bagaha-1, District- West Champaran, Proprietor of M/s New Modern Rice Mill & Trading, Bagaha-1, West Champaran, Bettiah.

.... .... 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.



2. The District Manager, Bihar State Food & Civil Supply Corporation Limited,  
West Champaran.

.... .... Respondent/s

with

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**Request Case No. 46 of 2017**

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1. Ajay Kumar Gupta, son of Sri Bindhyachal Prasad, Resident of Gandhi Nagar,  
P.S.- Bagaha-1, District- West Champaran, Proprietor of M/s Maa Bindhyachal  
Shiv Shakti Rice Mill, Bagaha-1, West Champaran, Bettiah.

.... .... 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.
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited,  
West Champaran.

.... .... Respondent/s

with

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**Request Case No. 47 of 2017**

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1. Vikash Kumar, son of Sri Rameshwar Prasad, Resident of Goriya Patti, P.S.-  
Bagaha-1, District- West Champaran, Proprietor of M/S Vikash Rice Mill,  
Bagaha-1, West Champaran, Bettiah.

.... .... 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.
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited,  
West Champaran.

.... .... Respondent/s

with

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**Request Case No. 48 of 2017**

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1. Sagir Ansari, son of Late Halim Ansari, resident of Village- Maghiya  
Kagauliya, P.O.- Tikulia, P.S.- Chanpatia, District- West Champaran, Proprietor  
of M/S Javed Rice Mill, Chanpatia, West Champaran, Bettiah.

.... .... 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.
- 2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, West Champaran.

.... .... Respondent/s

with

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**Request Case No. 49 of 2017**

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- 1. Om Prakash Sahu, son of Late Baiju Lal Sahu, Resident of Nayatol, P.S.- Chanpatiya, District- West Champaran, Proprietor of M/d Sahu Rice Mill, Industrial Area, Kumarbagh, West Champaran, Bettiah.

.... .... 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.
- 2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, West Champaran.

.... .... Respondent/s

with

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**Request Case No. 50 of 2017**

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- 1. Shatrughan Prasad, son of Late Buni Lal Sah, Resident of Belwa More, P.S.- Gaunaha, District- West Champaran. Proprietor of M/s Anamika Rice Mill, Belwa More, Gaunaha, West Champaran, Bettiah.

.... .... 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.
- 2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, West Champaran.

.... .... Respondent/s

with

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**Request Case No. 51 of 2017**

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- 1. Raju Sah, son of Sri Nand Kishore Prasad, Resident of Siktaul Gadhaliya, P.S.- Chautarwa, District- West Champaran, Proprietor of M/S Manish Rice Mill, Siktaul Gadhaliya, West Champaran, Bettiah.

.... .... 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.
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, West Champaran.

.... .... Respondent/s

with

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**Request Case No. 52 of 2017**

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1. Anish Raj, son of Banke Lal Prasad, Resident of Bhawanipur Yogapatti, P.S.- Jagapatti, District- West Champaran, Proprietor of M/S Champaran Rice Udyog, West Champaran, Bettiah.

.... .... 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.
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, West Champaran.

.... .... Respondent/s

with

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**Request Case No. 53 of 2017**

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1. Shyam Kumar Jaiswal, son of Late Gopi Nath Jaiswal, Resident of Purani Bazar, P.O.- Narkatiyaganj, P.S.- Sikarpur, District- West Champaran, Proprietor of M/s Ajay Rice Mill, Sugar Mill Road, Narkatiya Ganj, West Champaran, Bettiah.

.... .... 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.
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, West Champaran.

.... .... Respondent/s

with

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**Request Case No. 54 of 2017**

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1. Ajay Kumar, son of Late Gopi Nath Jaiswal, Resident of Purani Bazar, P.O.- Narkatiyaganj, P.S.- Shikarpur, District- West Champaran, Proprietor of M/S



Aniket Modern Rice Mill Udyog, Industrial Area, Kumar Bagh, West Champaran, Bettiah.

.... .... 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.
- 2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, West Champaran.

.... .... Respondent/s

with

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**Request Case No. 55 of 2017**

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Om Prakash Gupta

.... .... Petitioner/s

Versus

The Managing Director, Bihar State Food & Civil Supply Corporation Limited & Anr

.... .... Respondent/s

with

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**Request Case No. 2 of 2017**

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Hari Shankar Prasad

.... .... Petitioner/s

Versus

The Bihar State Food & Civil Supplies Corporation Ltd. & Ors

.... .... Respondent/s

with

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**Request Case No. 3 of 2017**

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Ripu Raman

.... .... Petitioner/s

Versus

The Bihar State Food & Civil Supplies Corporation Ltd.

.... .... Respondent/s

with

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**Request Case No. 5 of 2017**

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Ishwar Chand Prasad



.... .... Petitioner/s

Versus

The Bihar State Food And Civil Supplies Corporation Limited & Ors

.... .... Respondent/s

with

**Request Case No. 9 of 2017**

Ram Vinay Prasad

.... .... Petitioner/s

Versus

The Bihar State Food And Civil Supplies Corporation Limited & Ors

.... .... Respondent/s

with

**Request Case No. 29 of 2017**

1. M/s Roshan Rice Mill, a Proprietorship Firm, having its place of business at Industrial Area, Ram Nagar, P.S. Ram Nagar, District West Champaran, through its Proprietor, Roshan Jaiswal, son of Satendra Prasad Jaiswal, resident of At, P.O. & P.S. Ram Nagar, District West Champaran.

.... .... 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 & Civil Supply Corporation Ltd., Khadya Bhawan, Daroga Prasad Rai Path, R. Block Road No. 2, Patna- 800001.
3. The District Manager, Bihar State Food and Civil Supply Corporation Limited, West Champaran, Bettiah.

.... .... Respondent/s

with

**Request Case No. 30 of 2017**

1. M/s Kuber Modern Rice Mill, a Proprietorship Firm, having its place of business at Mahadewpur Phulari, P.O. & P.S. Bihta, District Patna, through its Proprietor, Pawan Kumar, son of Late Radha Krishna Sah, resident of Village, P.O. & P.S. Piro, District Bhojpur.

.... .... 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 & Civil Supply Corporation Ltd., Khadya Bhawan, Daroga Prasad Rai Path, R. Block Road No. 2, Patna- 800001.
3. The District Manager, Bihar State Food and Civil Supply Corporation Limited, West Champaran, Bettiah.

.... .... Respondent/s

with

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**Request Case No. 31 of 2017**

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1. Naresh Prasad Singh, aged about ..... years, S/o- Late Ram Parvesh Singh, R/o Village- Karanbigha, P.S.- Mehandia, District- Arwal at present behind Keshv College, 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. 34 of 2017**

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1. Kamal Kishor Gupta, S/o- Punna Lal Gupta, R/o Vill- Baroon, 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. 35 of 2017**

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1. Monika Rani, wife of Sri Umesh Kumar, at Ram Nagar, P.O.+ P.S.- Bahadurpur, District- Darbhanga, proprietor M/s U.K. Industries, at Ram Nagar,



P.O.+ P.S.- Bahadurpur, District- Darbhanga.

.... .... Petitioner/s

Versus

- 1. The Bihar State Food and Civil Supplied Corporation through its Managing Director, Sone Bhawan, Near R Block, Patna.
- 2. The District Collector, Darbhanga.
- 3. The District Manager, Bihar State Food Civil Supplied Corporation, District- Darbhanga.

.... .... Respondent/s

with

**Request Case No. 36 of 2017**

- 1. Monika Rani, wife of Sri Umesh Kumar, at Ram Nagar, P.O.+ P.S.- Bahadurpur, District- Darbhanga, proprietor M/s U.K. Industries, at Ram Nagar, P.O.+ P.S.- Bahadurpur, District- Darbhanga.

.... .... Petitioner/s

Versus

- 1. The Bihar State Food and Civil Supplied Corporation through its Managing Director, Sone Bhawan, Near R Block, Patna.
- 2. The District Collector, Darbhanga.
- 3. The District Manager, Bihar State Food Civil Supplied Corporation, District- Darbhanga.

.... .... Respondent/s

with

**Request Case No. 56 of 2017**

Badri Kumar Mittal

.... .... Petitioner/s

Versus

The Bihar State Food & Civil Supplies Corporation Limited Through Its Managing Director & Ors

.... .... Respondent/s

with

**Request Case No. 57 of 2017**

Uday Singh

.... .... Petitioner/s

Versus



The Bihar State Food & Civil Supplies Corporation Limited Through Its Managing  
Director & Ors  
with  
.... .... Respondent/s

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**Request Case No. 58 of 2017**

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Damodar Prasad Agarwal @ Damodar Agarwal  
Versus  
.... .... Petitioner/s

The Bihar State Food & Civil Supplies Corporation Limited Through Its Managing  
Director & Ors  
with  
.... .... Respondent/s

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**Request Case No. 59 of 2017**

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Sanjay Kumar  
Versus  
.... .... Petitioner/s

The Bihar State Food & Civil Supplies Corporation Limited Through Its Managing  
Director & Ors  
with  
.... .... Respondent/s

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**Request Case No. 60 of 2017**

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Saket Kumar  
Versus  
.... .... Petitioner/s

The Bihar State Food & Civil Supplies Corporation Limited Through Its Managing  
Director & Ors  
with  
.... .... Respondent/s

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**Request Case No. 61 of 2017**

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Badri Kumar Mittal  
Versus  
.... .... Petitioner/s

The Bihar State Food & Civil Supplies Corporation Limited Through Its Managing  
Director & Ors  
with  
.... .... Respondent/s



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**Request Case No. 62 of 2017**

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Om Prakash  
..... Petitioner/s

Versus

The Bihar State Food & Civil Supplies Corporation Limited Through Its Managing  
Director & Ors  
..... Respondent/s

with

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**Request Case No. 63 of 2017**

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Sanjay Kumar Singh  
..... Petitioner/s

Versus

The Bihar State Food & Civil Supplies Corporation Limited Through Its Managing  
Director & Ors  
..... Respondent/s

with

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**Request Case No. 64 of 2017**

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Pramod Kumar  
..... Petitioner/s

Versus

The Bihar State Food & Civil Supplies Corporation Limited Through Its Managing  
Director & Ors  
..... Respondent/s

with

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**Request Case No. 92 of 2017**

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1. Md. Munna Son of late Ali Mohammad Resident of Village- Janamjai, P.S.-  
Kishanganj, District- Kishanganj, Proprietor of M/S Pyare Babu Rice Mill.  
..... 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  
2. The District Manger, Bihar State Food & Civil Supply Corporation Limited,  
Kishanganj.  
..... Respondent/s



with

**Request Case No. 93 of 2017**

1. Amrita Biswas Son of late Amulo Biswas Resident of Village- Bidhan Pally, P.S.- Chakalia, District- Uttar Dinajpur(West Bangal), Proprietor of M/S Shiv Shakti Mini Rice Mill.

.... .... 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  
2. The District Manger, Bihar State Food & Civil Supply Corporation Limited, Kishanganj.

.... .... Respondent/s

with

**Request Case No. 96 of 2017**

Rakesh Kumar

.... .... Petitioner/s

Versus

The Bihar State Food & Civil Supplies Corporation Limited & Ors

.... .... Respondent/s

with

**Request Case No. 97 of 2017**

Bhola Chaudhary

.... .... Petitioner/s

Versus

The Bihar State Food And Civil Supplies Corporation Ltd. & Ors

.... .... Respondent/s

with

**Request Case No. 98 of 2017**

Ram Babu Prasad

.... .... Petitioner/s

Versus

The Bihar State Food & Civil Supplies Corporation Limited & Ors

.... .... Respondent/s

with



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**Request Case No. 100 of 2017**

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Ram Babu Prasad

.... .... Petitioner/s

Versus

The Bihar State Food & Civil Supplies Corporation Limited & Ors

.... .... Respondent/s

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**Appearance :**

(In REQ. CASE No.37 to 55 of 2017)

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate  
Ms. Arti Kumari, Advocate

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

(In REQ. CASE No.2 & 3 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Shailendra Kumar Singh

(In REQ. CASE No.5 & 9 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Respondent/s : Mr. Shailendra Kumar Singh

(In REQ. CASE No.29 and 30 2017)

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate

Mr. Sunit Kr. Jha, Advocate

Mr. Indrajesh Kumar, Advocate

Mr. Vijay Shankar Tiwari, Advocate

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

(In REQ. CASE No.31 & 32 of 2017)

For the Petitioner/s : Mr. Brij Bihari Tiwary

For the Respondent/s : Mr. Shailendra Kumar Singh

(In REQ. CASE No.35 &36 of 2017)

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate

Mr. Rohit Kumar, Advocate

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

(In REQ. CASE No.56 & 57 of 2017)

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

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

(In REQ. CASE No.58, 59 & 60 of 2017)

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

For the Respondent/s : Mr. Harish Kumar, Advocate

(In REQ. CASE No.61, 62, 63 & 64 of 2017)

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

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

(In REQ. CASE No.92 & 93 of 2017)

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate

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

(In REQ. CASE No.96 of 2017)

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

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

(In REQ. CASE No.97 of 2017)



For the Petitioner/s : Mr. Man Mohan Kumar, Advocate  
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate  
(In REQ. CASE No.98 & 100 of 2017)  
For the Petitioner/s : Mr. Avinash Kumar, Advocate  
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**ORAL JUDGMENT**

**Date: 19-07-2017**

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/-

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|-------------------|-----------|
| AFR/NAFR          | NAFR      |
| CAV DATE          | N/A       |
| Uploading Date    | 25.7.2017 |
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