

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1162 of 2016

In
Request Case No.14 of 2015

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Mrs. Mithilesh Singh, Proprietor of Maa Devi H.P. Gas Agency Ismela, P.S.-
Dighwara, District- Saran.

... .. Appellant/s

Versus

1. Hindustan Petroleum Corporation Limited through its Chairman, 17, Jamshedji Tata Road, Mumbai 400020.
2. Chairman & Managing Director (I/c), Hindustan Petroleum Corporation Limited, 17, Jamshedji Tata Road, Mumbai 400020.
3. Deputy General Manager, Retail (East Zone) of Hindustan Petroleum Corporation Limited, Purbanchal Bhawan, 771 Anandpur, Off EM By Pass, Kolkata 700107.
4. Deputy General Manager, Retail Upgradation, Hindustan Petroleum Corporation Limited, Purbanchal Bhawan, Office of the General Manager East Zone, 17, Anandpur, Off GM By Pass, Kolkata 700107.
5. Senior Regional Manager, Patna L.P.G. Regional Officer, L.P.G. Division, Hindustan Petroleum Corporation Limited, 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.S.- Kotwali, District- Patna.
6. Shri R. Lakshminarayanan, Sole Arbitrator appointed by Respondent no.2, Chairman & Managing Director (I/c), Hindustan Petroleum Corporation Limited, who is presently posted as Deputy General Manager Retail Upgradation, Petroleum Corporation Ltd., Purvanchal Bhawan, Office of the General Manager East Zone, 17, Anandpur Off GM Bye Pass Road, Kolkata 700107.

... .. Respondent/s

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with

Letters Patent Appeal No. 1161 of 2016

In
Civil Writ Jurisdiction Case No.9747 of 2014

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Mrs. Mithilesh Singh, Proprietor of Maa Devi H.P. Gas Agency Ismela, P.S.
Dighwara, District- Saran.

... .. Appellant/s

Versus

1. Hindustan Petroleum Corporation Limited through its Chairman, 17, Jamshedji Tata Road, Mumbai 400020
2. Chairman & Managing Director (I/c), Hindustan Petroleum Corporation Limited 17, Jamshedji Tata Road, Mumbai 400020.
3. Deputy General Manager, Retail (East Zone) of Hindustan Petroleum Corporation Limited, Purbanchal Bhawan, 771 Anandapur, Off EM By Pass, Kolkata 700107.
4. Shri R.Lakshminarayanan, Sole Arbitrator appointed by Respondent No.2, Chairman & Managing Director I/C, Hindustan Petroleum Corporation Limited 17, Jamshedji Tata Road, Mumbai 400020.



5. Senior Regional Manager, Patna L.P.G., Regional Office, L.P.G. Division, Hindustan Petroleum Corporation Limited, 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak, Bungalo Chowk, P.S. Kotwali, District Patna.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 1162 of 2016)

For the Appellant/s : Mr. Ajay Kumar Thakur
Advocate
Mr. Ajit Kumar
Advocate
Mr. Avinashh Kumar
Advocate
Smt. Babita Kumari
Advocate

For the Respondent/s : Mr. (Dr.) Pankaj
Advocate

(In Letters Patent Appeal No. 1161 of 2016)

For the Appellant/s : Mr. Ajay Kumar Thakur
Advocate
Mr. Ajit Kumar
Advocate
Mr. Avinashh Kumar
Advocate
Smt. Babita Kumari
Advocate

For the Respondent/s : Mr. (Dr.) Pankaj
Advocate

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

5 05-12-2017 Heard learned counsel for the appellant and learned
counsel for the Corporation.

Keeping in mind the legal position, which stands now after the amendment brought about in the Arbitration and Conciliation (Amendment) Act, 2015, any effort made by the Corporation to appoint a serving officer as an Arbitrator is a misplaced exercise and effort.



In addition to that, it is also noticed that the Learned Single Judge has taken upon himself to decide a Request Case, when such a jurisdiction was not vested upon him or matter assigned by the Hon'ble Chief Justice to him.

If that be so, then any exercise of power under Request Case is an exercise beyond jurisdiction and, therefore, is a nullity.

Keeping the above two positions in mind, both the appeals are allowed and the impugned order, which is a composite and combined order, dated 05.05.2016, passed in C.W.J.C. No. 9747 of 2014 and Request Case No. 14 of 2015, are quashed.

Appeal is allowed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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