IN THE HIGH COURT OF JUDICATURE AT PATNA

Request Case No.124 of 2017

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1. Mahendra Prasad S/O- Sri Jaimangal Prasad Yadav, Prop- Vikash Rice Mill, R/o- Village- Lakshammanama, P.O.- Saunaha, P.S.- Palanwa (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, East Champaran, Motihari.
3. The Bihar State Foods and Civil Supplies Corporation Limited, through its Managing Director, Sone Bhawan, Patna. null null
4. The District Manager, Bihar State Food and Civil Supply Corporation Ltd., East Champaran, Motihari.

.... Respondent/s

with

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Request Case No. 125 of 2017

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1. Jitendra Kumar Ray S/o- Late Rajdeo Rai, Prop; Mahashakti Enterprises R/o- Village- Lakshmanma, 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, East Champaran.
3. The Bihar State Foods and Civil Supplies Corporation through its Managing Director, Sone Bhawan, Patna.
4. The District Manager, Bihar State Food and Civil Supply Corporation Ltd., Motihari, East Champaran.

.... Respondent/s

with

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Request Case No. 129 of 2017

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1. M/s Jay Rice Mill, Gaini, Obra, Aurangabad, through its Proprietor, namely Rita Devi, Wife of Sri Arunjay Kumar Gautam, presently residing at P.O.- Gaini, P.S.- Khudwan, Block- Obra, Aurangabad, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.

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2. The Bihar State Food and Civil Supplies Corporation Limited through its Managing Director.
3. The District Magistrate, Aurangabad.
4. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Aurangabad.

.... Respondent/s

with

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Request Case No. 130 of 2017

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1. Raju Prasad son of Ramaji Sah, Proprietor of M/s Ganesh Rice Mill, Resident of Village- Maksuspur, P.S.- Khaira, District- Chapra (Saran).

.... Petitioner/s

Versus

1. The Bihar State Food & Civil Supplies Corporation Limited through its Managing Director, Office at KhadyaBhawan, Daroga Prasad Path, R- Block, Road No. 2, Patna- 800001. null null
2. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Office at KhadyaBhawan, Daroga Prasad Path, R- Block, Road No.- 2, Patna- 800001. null null
3. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Chapra (Saran).

.... Respondent/s

with

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Request Case No. 131 of 2017

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1. Rajeshwar Singh son of Ramchowa Singh, Proprietor of M/s Laxmi Mini Rice Mill, Resident of Village- Niyay, P.S.- Agrer, District- Rohtas.

.... Petitioner/s

Versus

1. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, KhadyaBhawan, Daroga Prasad Path, R- Block, Road No.- 2, Patna- 800001. null null
2. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Office at KhadyaBhawan, Daroga Prasad Path, R- Block, Road No.- 2, Patna- 800001. null null
3. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Rohtas.

.... Respondent/s

with

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Request Case No. 132 of 2017

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1. Sunil Sao @ Sunil Kumar, son of Mauji Sao, Proprietor of M/s Maa Bhagwati Mill Karmakala, Resident of Village- Karma Kala, P.S.- Rajauli, District- Nawada.

.... Petitioner/s

Versus

1. The Bihar State Food & Civil Supplies Corporation Limited through its Managing Director, Office at KhadyaBhawan, Daroga Prasad Path, R- Block, Road No. 2, Patna- 800001. null null
2. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Office at KhadyaBhawan, Daroga Prasad Path, R- Block, Road No.- 2, Patna- 800001. null null
3. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Nawada.

.... Respondent/s

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Appearance :
(In REQ. CASE No.124 of 2017)
For the Petitioner/s : Mr. Krishna Mohan Mishra, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate
(In REQ. CASE No.125 of 2017)
For the Petitioner/s : Mr. Krishna Mohan Mishra, Advocate
For the Respondent/s : Mr. Shailendra Kr. Singh, Advocate
(In REQ. CASE No.129 of 2017)
For the Petitioner/s : Mr. Avinash Kumar, Advocate
For the Respondent/s : Mr. Shailendra Kr. Singh, Advocate
(In REQ. CASE No.130 of 2017)
For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. Dr. Kislay, Advocate
(In REQ. CASE No.131 of 2017)
For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. Shailendra Kr. Singh, Advocate
(In REQ. CASE No.132 of 2017)
For the Petitioner/s : Mr. Sumeet Kumar Singh Advocate
For the Respondent/s : Mr. Harish Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

II Date: 18-08-2018

1. All these petitions/matters are placed before the Court today in the light of the certain developments that have taken place after orders passed by the Hon'ble Supreme Court dated 29.01.2018 in Special Leave to Appeal (C) No. 450 of 2018.

1.1. All these applications were seeking constitution of an

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Arbitral Tribunal in the matter of dispute that has arisen between the applicants and the respondent-Bihar State Food and Civil Supplies Corporation in the matter of supply of food grain and other products. It appears that earlier after hearing detailed argument and various objections, this Court appointed Arbitrators in more than 200 cases and the learned Arbitrators were seized of the matter. However, in the meanwhile, the Corporation approached the Hon'ble Supreme Court by Special Leave to Appeal (C) No. 450 of 2018 and by a detailed order passed on 29.01.2018, the Hon'ble Supreme Court though upheld the order passed by this Court in the matter of constituting an Arbitral Tribunal and referring the matter for arbitration, but directed that not more than ten cases should be allotted to a single Arbitrator. As a consequence of the aforesaid order passed in cases where the arbitrators appointed by this Court on earlier occasions were allotted more than ten cases, they returned the files to this Court after retaining ten cases for hearing of the matter. That is why, now present petitions are placed before this Court for fresh order for appointment of the Arbitrator.

2. Having heard learned counsel appearing on behalf of the respective applicants and the respondent-Corporation and considering the earlier common order passed by this Court dated 08.09.2017 and the order dated 29.01.2018 passed by the Hon'ble

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Supreme Court and also the subsequent order passed by this Court in Request Case No. 118 of 2017 and other orders, all these applications are allowed. Shri Subodh Kumar Srivastava, District Judge (Retired) is, hereby, appointed as an Arbitrator to deal with the issue in question, subject to the Registry obtaining the appropriate declaration from the sole Arbitrator, as required, under Section 11(5) of the Arbitration and Conciliation Act, 1996 as amended from time to time, to be obtained this from three weeks from today and such declaration be placed on record in each of the present proceeding. All these applications are **ALLOWED**, accordingly. Considering the order passed by the Hon'ble Supreme Court, dated 29.01.2018 in Special Leave to Appeal (C) No. 450 of 2018, it is observed that the learned Arbitrator to conclude the arbitration proceeding on day to day basis within a period of three months from the date of the first hearing which shall begin within a period of two weeks from the date of furnishing the declaration as above. It is also made clear that pendency of arbitration proceedings will not affect criminal proceedings, including the investigation. All the arbitration proceedings will be carried out at Patna. All contentions available under the law to the parties before the arbitrator are left open to be gone into by the Arbitrator in accordance with law. All concerned are directed to co-operate the

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learned Arbitrator in finalizing the decision and disposing of all the arbitration proceedings at the earliest within a period, observed hereinabove. With this observation and direction, all these applications are allowed/disposed of.

(Mukesh R. Shah, CJ)

Brajesh/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.08.2018
Transmission Date	

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