

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7435 of 2016

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M/s Radhika Enterprises Mini Rice Mill through its Proprietor Sunil Sah son of Late Ram Suresh Sah resident of Village- Itarhi, P.S.- Itarhi, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, District- Buxar.
2. The Bihar State Food and Civil Supplies Corporation Limited through its M.D., Bihar at Patna.
3. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Buxar, District- Buxar.
4. The District Certificate Officer, Buxar, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh
For the Respondent/s	:	Mr. Arbind Kumar Singh
	:	Mr. Nirmal Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-12-2018 The learned counsel for the petitioner submits that the certificate proceedings arise out of the same agreement out of which, the arbitral proceedings arise. It is further submitted that in view of the arbitral clause in the agreement, the petitioner had approached this Court for appointment of an Arbitrator vide Request Case no. 205 of 2017 and this Court has already appointed an Arbitrator, hence the disputes are being adjudicated by the said Arbitrator. It is the submission of the learned counsel for the petitioner, not opposed by the learned counsel for the respondents that if statutory remedies are being availed, no recovery proceedings can be resorted to.



Having regard to the submissions made by the learned counsel for the parties, this Court is of the view that till the finalization of the arbitral proceedings and passing of the final award, the certificate proceedings are required to be stayed and accordingly, the further proceedings of Certificate case no. 13 of 2014-15 pending before the Certificate Officer, Buxar shall remain in abeyance till the passing of the award by the Arbitrator appointed by this Court vide Request case no. 205 of 2017.

Accordingly, the present writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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