

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5882 of 2016

=====

Gayatri Devi wife of Sri Arjun Singh, Prop. of M/S Amhara Automatic Rice Mill, resident of village- Amhara, P.S.- Bihta, P.O.- Amhara, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, District- Patna
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, Patna, District- Patna
4. The District Certificate Officer, Danapur, District- Patna

.... Respondent/s

=====

Appearance :

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

For the Respondent BSFC: Mr. Shailendra Kumar Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2018

The learned counsel for the petitioner has submitted that the respondents have filed a certificate case bearing Certificate Case No. 4 of 2014-15, which is pending before the Certificate Officer, Danapur. The learned counsel for the petitioner has further submitted that the subject matter of the certificate case is the same in connection with which the petitioner has invoked the Arbitration Clause as provided under the agreement. In fact, this Court has already appointed an Arbitrator for adjudicating the disputes between the petitioner and the respondents.

In such view of the matter, the learned counsel for the petitioner submits that till passing of the award by the learned Arbitrator appointed by this Court, the certificate proceeding be stayed.

Having considered the facts and circumstances of the present case and having heard the learned counsel for the respondents as also considering the well settled law to the effect



that when a dispute is pending adjudication, no recovery proceedings can be resorted to, this Court is of the view that since the arbitral proceeding as well as the certificate proceedings arise out of the same agreement, entered into between the parties, it would be expedient to stay the further proceeding of Certificate Case No. 4 of 2014-15 pending before the Certificate Officer, Danapura, till culmination of the arbitral proceeding.

Accordingly, the present writ petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

BTiwary/-

U			
---	--	--	--

