

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19635 of 2018

Winsome International Limited, a company incorporated under the provisions of Companies Act, 1956, having its registered office at 5th Floor, 16A, Brabourne Road, Kolkata- 700 001 through its Vice President namely Binod Nath Jha, son of Late Baidyanath Jha, resident of Rameshwara Jute Mills, Muktapur, P.O. Navranga, District- Samastipur, Bihar.

... .. Petitioner/s

Versus

1. The Bihar State Food & Civil Supplies Corporation Limited, a body corporate registered under the provisions of Companies Act, 1956 and having its registered office at Khadya Bhawan, Daroga Rai Path, R- Block, Road No. 2, Patna- 800 001.
2. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, having his office at Khadya Bhawan, Daroga Rai Path, R- Block, Road No. 2, Patna- 800 001.
3. The Chief of Procurement, Bihar State Food & Civil Supplies Corporation Limited, having his office at Khadya Bhawan, Daroga Rai Path, R- Block, Road No. 2, Patna- 800 001.
4. The Nodal Officer, Bihar State Food & Civil Supplies Corporation Limited, having his office at Khadya Bhawan, Daroga Rai Path, R- Block, Road No. 2, Patna- 800 001.
5. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
6. The Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
7. The Union of India, through the Secretary, Ministry of Consumer Affairs, Food & Public Distribution, Department of Food and Public Distribution, having its office at Krishi Bhawan, New Delhi.
8. The Secretary, Ministry of Consumer Affairs, Food & Public Distribution, Department of Food and Public Distribution, having its office at Krishi Bhawan, New Delhi.
9. The Under Secretary, Ministry of Consumer Affairs, Food & Public Distribution, Department of Food and Public Distribution, having its office at Krishi Bhawan, New Delhi.
10. The Accountant General (Audit), Bihar, Birchand Patel Marg, Patna.
11. The Jute Commissioner, C.G.O. Complex, 3rd MSO Building, 4th Floor, DF Block, Salt Lake City, Bidhannagar, Kolkata, West Bengal 700064.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Advocate Mr. Siddhartha Prasad
For the Respondent/s	:	Mr. Arvind Ujjwal, SC-4
For the B.S.F.C.	:	Mr. Shailendra Kumar Singh
For the Union of India	:	Mr. S.D. Sanjay, A.S.G. Mr. Kumar Priya Ranjan, C.G.C.
For the A.G.	:	Mr. Arun Kumar Arun



CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-12-2018 The learned counsel for the parties agree that the dispute with respect to the year 2014-15 and 2015-16 for supply of jute bags amongst the petitioner herein and the respondents i.e. the Bihar State Food and Civil Supplies Corporation Limited has arisen, hence the same is required to be resolved by taking recourse to the alternative dispute redressal mechanism, as contained in Clause-16 of the agreement i.e. the arbitration clause.

The learned counsel for the parties jointly submit that instead of resorting to the long procedure of appointment of Arbitrator in accordance with the provisions contained in the Arbitration & Conciliation Act, 1996, it would be expedient and in the interest of justice if an Arbitrator is appointed by this Court itself.

It is further jointly submitted by the learned counsel for the parties that they have taken the consent of Hon'ble Mr. Justice Navaniti Prasad Singh, a retired judge of this Court as also the retired Chief Justice of Hon'ble Kerala High Court for conducting the arbitral proceedings in terms of the aforesaid agreement.

Having regard to the consensus reached between the



parties, the present writ petition is disposed of with consent of the parties by appointing Hon'ble Mr. Justice Navaniti Prasad Singh (retired Judge of this Court) as an Arbitrator to decide the disputes which have been raised in the present writ petition, as emanating from the agreement in question, including the issue of blacklisting.

It is needless to state that in case the respondents have any counter claim, they will be free to raise their counter claim.

It goes without saying that the arbitral proceedings shall be conducted in accordance with the provisions of Arbitration & Conciliation Act, 1996, as amended up to date.

The parties may approach the learned Arbitrator, so appointed, within a period four weeks from today along with the certified copy of the present order in order to fix the modalities for the purposes of initiating and disposing of the arbitral proceedings.

The writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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