

IN THE HIGH COURT OF JUDICATURE AT PATNA
Request Case No.9 of 2017

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Ram Vinay Prasad, Son of Sri Ayohya Prasad, Proprietor of M/s Vishwakarma Oil, Rice and Chura Mill, PuranChapra, P.O- PuranChapra, P.S.- Chakiya, District-East Champaran, Motihari.

... .. Petitioner/s

Versus

- 1.The Bihar State Food And Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R-Block, Road No. 2, Patna 800001, through its Managing Director.
- 2.The Bihar State Food and Civikl Supplies Corporation Limited through its M.D., Bihar at Patna.
- 3.The District Magistrate, Bihar State Food and Civil Supplies Corporation Limited, Sitamarhi, District-Sitamarhi.

... .. Respondent/s

with

Request Case No. 29 of 2017

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M/s Roshan Rice Mill, a Proprietorship Firm, having its place of business at Industrial Area, Ram Nagar, P.S. Ram Nagar, District West Champaran, through its Proprietor, Roshan Jaiswal, son of Satendra Prasad Jaiswal, resident of At, P.O. & P.S. Ram Nagar, District West Champaran.

... .. Petitioner/s

Versus

1. The Bihar State Food & Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R- Block, Road No. 2, Patna- 800001, through its Managing Director.
2. The Managing Director, Bihar State Food & Civil Supply Corporation Ltd., Khadya Bhawan, Daroga Prasad Rai Path, R. Block Road No. 2, Patna- 800001.
3. The District Manager, Bihar State Food and Civil Supply Corporation Limited, West Champaran, Bettiah.

... .. Respondent/s

with

Request Case No. 30 of 2017

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M/s Kuber Modern Rice Mill, a Proprietorship Firm, having its place of business at Mahadewpur Phulari, P.O. & P.S. Bihta, District Patna, through its Proprietor, Pawan Kumar, son of Late Radha Krishna Sah, resident of Village, P.O. & P.S. Piro, District Bhojpur.

... .. Petitioner/s

Versus



1. The Bihar State Food & Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R- Block, Road No. 2, Patna- 800001, through its Managing Director.
2. The Managing Director, Bihar State Food & Civil Supply Corporation Ltd., Khadya Bhawan, Daroga Prasad Rai Path, R. Block Road No. 2, Patna- 800001.
3. The District Manager, Bihar State Food and Civil Supply Corporation Limited, West Champaran, Bettiah.

... .. Respondent/s

with

Request Case No. 31 of 2017

Naresh Prasad Singh, aged about years, S/o- Late Ram Parvesh Singh, R/o Village- Karanbiga, P.S.- Mehandia, District- Arwal at present behind Keshv College, P.S.- Baroon, District- Aurangabad.

... .. Petitioner/s

Versus

1. The Bihar State Food Civil Supplies Corporation Limited through its M.D., Bihar at Patna.
2. The Managing Director Bihar State Food Civil Supplies Corporation Limited, Bihar at Patna. null null
3. The District Manager, B.S.F.C., Aurangabad, District- Aurangabad.

... .. Respondent/s

with

Request Case No. 41 of 2017

Rajesh Kumar Tulsian, son of Om Prakash Tulsian, resident of Narainpur, P.S.- Bagaha-1, District- West Champaran, Proprietor of M/S Rani Sati Dadi Rice Mill, Shastri Nagara Bagaha-1, West Champaran.

... .. Petitioner/s

Versus

1. The Managing Director, Bihar State Food & Civil Supply Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.2, Patna- 800001.
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, West Champaran.

... .. Respondent/s

with

Request Case No. 42 of 2017

Madan Prasad Arya, son of Late Badari Prasad, resident of Old Bazar, P.S.- Shikarpur, District- West Champaran, Proprietor of M/s Ganesh Rice Mill, Narakatia Ganj, West Champaran, Bettiah.



... .. Petitioner/s

Versus

1. The Managing Director, Bihar State Food & Civil Supply Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.2, Patna-800001.
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, West Champaran.

... .. Respondent/s

with

Request Case No. 43 of 2017

Bishwanath Kedia, son of Late Anandi Lal Kedia, resident of Dumwaliya, Bagaha-2, P.S.- Bagaha, District- West Champaran, Proprietor of M/s Gayatri Rice Mill, Chanpatia, Dumwaliya, Bagaha-2, West Champaran, Bettiah.

... .. Petitioner/s

Versus

1. The Managing Director, Bihar State Food & Civil Supply Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.2, Patna-800001.
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, West Champaran.

... .. Respondent/s

with

Request Case No. 96 of 2017

Rakesh Kumar Son of Laxmeshwar Thakur Director of Satyam Agro Food Industries Pvt. Ltd. Resident of Village Bula Chak, P.S. chakia, District East champaran.

... .. Petitioner/s

Versus

1. The Bihar State Food And Civil Supplies Corporation Ltd. Khadya Bhavan, Daroga Prasad Path, R-Block Road No. 2, Patna- 800001
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Khadya Bhavan Daroga Prasad Path, R-Block Road No. 2 Patna- 800001
3. The District Manager Bihar State Food and Civil Supplies Corporation ltd Sheohar. null null

... .. Respondent/s

with

Request Case No. 97 of 2017



Bhola Chaudhary Son of late Methur Chaudhary Proprietor of Kamakhaya rice Mill, At Sarfuddinpur, P.O.- Sarfuddinpur, P.S. Bochhan, Block- Bochhan, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The Bihar State Food And Civil Supplies Corporation Ltd. Khadya Bhavan, Daroga Prasad Path, R-Block Road No. 2, Patna- 800001
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Khadya Bhavan Daroga Prasad Path, R-Block Road No. 2 Patna- 800001
3. The District Manager Bihar State Food and Civil Supplies Corporation Ltd Muzaffarpur

... .. Respondent/s

with

Request Case No. 98 of 2017

Ram Babu Prasad Son of late Mangal Prasad Proprietor M/S Mangaldeep Rice Mill Private Limited, Village- Ekdari, P.S. Chauradano, Motihari, District- East Champaran.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

(In Request Case No. 9 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In Request Case No. 29 of 2017)

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In Request Case No. 30 of 2017)

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In Request Case No. 31 of 2017)

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In Request Case No. 41 of 2017)

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In Request Case No. 42 of 2017)

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate



(In Request Case No. 43 of 2017)

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate

For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In Request Case No. 96 of 2017)

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In Request Case No. 97 of 2017)

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In Request Case No. 98 of 2017)

For the Petitioner/s : Mr. Avinash Kumar, Advocate

For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

6 01-08-2018 These matters are placed before the Court today in the light of certain developments that have taken place after orders were passed by the Hon'ble Supreme Court on 29.01.2018 in Special Leave to Appeal Case No. 450/2018.

These applications were seeking constitution of an Arbitral Tribunal in the matter of dispute that has arisen between the applicant and the Bihar State Food and Civil Supplies Corporation in the matter of supply of rice and other products.

After hearing detailed argument and various objections, this Court appointed arbitrators in more than 200 cases and the arbitrators were seized of the matter. In the meanwhile, the Corporation approached the Hon'ble Supreme Court in Special Leave to Appeal No. 450/2018 and by a detailed order passed on 29.01.2018, even though Hon'ble Supreme Court 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 had returned the files to this Court after retaining ten cases for hearing of the matter. Considering the fact that there were not adequate number of arbitrators available for allotting ten cases as directed by the Hon'ble Supreme Court, this Court deemed it appropriate to direct the Registrar General of this Court to examine the availability of arbitrators, which included retired High Court Judges and retired Senior District Judges, so that allotment of ten cases to each arbitrator can be made keeping in view the quantification of the claim of each party. Accordingly, the office of the Registrar General after conducting a detailed exercise has submitted a list of cases to this Court along with a list of arbitrators who can be appointed.

If any file has not been returned or has been retained by the earlier arbitrator, the Registrar General to obtain it and refer it to the new arbitrator.

Accordingly, these applications are allowed and now Hon'ble Justice (Retd.) Smt. Rekha Kumari is appointed arbitrator to adjudicate and deal with the issue in question.



The Arbitrator, in pursuance to this order, shall
proceed in accordance with law.

(Rajendra Menon, CJ)

K.C.Jha/-

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