

IN THE HIGH COURT OF JUDICATURE AT PATNA

Request Case No.133 of 2017

=====

1. Jitendra Prasad Gupta son of Hira Lal Shah, Proprietor of M/s Krishna Mini Rice Mill, Resident of Village- Darwan (Mohania), P.S.- Mohania, District- Kaimur (Bhabhua).

.... 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, Kaimur (Bhabhua).

.... Respondent/s

with

=====

Request Case No. 134 of 2017

=====

1. Dharm Chandra Prasad, son of Late Prabhu Lal, Proprietor of M/s Ganesh Rice Mill, Resident of Village- Pakribarawan, P.S.- Pakribarawan, 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

with

=====

Request Case No. 136 of 2017

=====

1. Dhiraj Kumar son of Nathuni Prasad, Proprietor of M/s Maa Laxmi Industries Rice Mill, Resident of Village- Hisua Road Biyada, P.S.- Bundelkhand, District- Nawada.

.... Petitioner/s

Versus

1. The Bihar State Food & Civil Supplies Corporation Limited, KhadyaBhawan,



- 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, Khadya Bhawan, Daroga Prasad Path, R- Block, Road No.- 2, Patna- 800001.
3. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Nawada.

..... Respondent/s
with

=====

Request Case No. 137 of 2017

=====

1. Saroj Kumar, son of Narad Muni, Proprietor of M/s Sri Shankar Ji Mini Rice Mill, Resident of Village- Barhari, P.S.- Kargahar, District- Rohtas (Sasaram).

..... Petitioner/s
Versus

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

..... Respondent/s
with

=====

Request Case No. 138 of 2017

=====

1. Arbind Kumar Rai @ Arvind Kumar Rai @ Arbind Rai, Son of Late Jitan Rai, Proprietor of M/s Jai Maa Vaishnao Devi Mini Rice Mill, Resident of Village- Naran, P.S.- Baghalia, District- Rohtas at Sasaram.

..... Petitioner/s
Versus

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

..... Respondent/s
with

=====



Request Case No. 139 of 2017

=====

1. Shambhu Sharan Gupta, Son of Late Ram Prasad Gupta, Proprietor of M/s Shri Gupta Mini Rice Mill, Resident of Village- Narhat, P.S.- Narhat, District- Nawada.

.... Petitioner/s

Versus

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

2. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Office at Khadya Bhawan, Daroga Prasad Path, R- Block, Road No.2, Patna- 800001.

3. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Nawada.

.... Respondent/s

=====

Appearance :

(In REQ. CASE No.133 of 2017)

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

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

(In REQ. CASE No.134 of 2017)

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

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

(In REQ. CASE No.136 of 2017)

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

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

(In REQ. CASE No.137 of 2017)

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

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

(In REQ. CASE No.138 of 2017)

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

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

(In REQ. CASE No.139 of 2017)

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

For the Respondent/s : Mr. Dr. Kislay, Advocate

=====

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 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 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 Shakir Hasan, 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 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	

