

IN THE HIGH COURT OF JUDICATURE AT PATNA

Request Case No.289 of 2017

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Rakesh Kumar, Proprietor of M/S Shree Shiv Rice Polisher Mill, S/o Ram Vinay
Sharma, Resident of Village-Kusap, P.s.-Tikari, District-Gaya.

.... Petitioner/s

Versus

1. The Bihar State Food & Civil Supplies Corporation Limited Through Its
Managing Director, Officer at Khadya Bhawan, Daroga Prasad Path, R-Block,
Road No. 2, Patna-800001.
2. The Managing Director, Bihar State Food & Civil Supplies Corporation,
Limited, Officer at Khadya Bhawan, Daroga Prasad Rai Path, R-Block, Road
No.2, Patna-800001
3. The District Manager, Bihar State Food & Civil Supplies Corporation Limited,
District-Gaya.

.... Respondent/s

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Appearance :

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

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date: 19-01-2018

Heard learned counsel for the parties.

In identical proceedings i.e. in Request Case Nos.8 of
2016 and various other analogous cases, a detailed order has been
passed by me on 19.4.2017 allowing an application under Section
11(6) of the Arbitration and Conciliation Act and an Arbitral
Tribunal has been constituted. In this application also, the
respondents herein had entered into an agreement with the



applicants and the issues, identical in nature, have been referred for arbitration on 19.4.2017. As identical issues are involved in the matters which have already been considered on 19.4.2017 in Request Case No.8 of 2016 and other cases and as the same objections are raised herein, I see no reason to take a different view from the one already taken by me on 19.4.2017 when a series of cases detailed hereinabove were disposed of.

The objection of the respondents that the matter is pending before the Hon'ble Supreme Court in an S.L.P. cannot be a ground for postponing the matter as on several occasions adjournments are taken on this very ground. That apart, the contention that certain applicants have deposited the amount is not a ground for refusing arbitration, but a ground to be raised by the respondents before the Arbitrator and the consequential effect taken note of by the Arbitrator.

For the reasons and grounds indicated in the order dated 19.4.2017, these applications are allowed.

Hon'ble Mr. Justice **Samarendra Pratap Singh**, a retired Judge of this Court is appointed as arbitrator to adjudicate the dispute. However, in these proceedings this Court has not gone into the merits of various objections raised with regard to maintainability of the dispute. In view of the certificate proceedings held, the



question of limitation and all other issues are left open to be canvassed by the parties before the arbitrator.

(Rajendra Menon, CJ)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23-01-2018
Transmission Date	

