

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6622 of 2016

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Mr. Deepak Kumar Mishra, son of Bishwambhar Mishra, resident of Dargah Mohammadpur, P.O. Mohammadpur Badal, P.S. Sakara, District Muzaffarpur.

.... Petitioner

Versus

M/s Sri Ram Transport Finance Company Limited, 205 Luv Kush Tower, Exhibition Road, Patna, represented through its Authorised representatives

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Prasad Advocate
Mr. Raju Kumar Goswami,

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-02-2018

The present writ petition has been filed for setting aside the order dated 03.03.2016 as contained in Annexure-3 passed in Arbitration Case No. PAT 80 of 2016 by the sole Arbitrator appointed under the Arbitration and Conciliation Act, 1996 represented by Mr. Krishna Murari Singh, Additional District and Sessions Judge, (Retired) whereby and whereunder he has found that the respondent is entitled to an award of Rs. 1,00,741/- along with Rs. 2,000/- the cost of legal notice and awarded a sum of Rs. 1,02,741/- along with interest from the date of award till realization shall be paid by the petitioner jointly and severally to the respondent and further directed to pay Rs. 5,000/- as cost of the reference to the respondent.

2. At the very outset learned counsel for the respondents raises a preliminary objection with regard to maintainability of the present writ petition in view of the remedy under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Arbitration Act') being available to the



petitioner to challenge the award dated 03.03.2016 passed in Arbitration Case No. PAT 80 of 2015. Reliance has been placed on a decision rendered in the case of Shivam Housing Pvt. Ltd and another vs. Thakur Mithilesh Kumar Singh and another 2015(3) PLJR 876.

3. Learned counsel for the petitioner fairly accepts that the Arbitration Award may be challenged before the statutory forum provided under Section 34 of the Arbitration Act.

4. Having regard to the above, the present writ petition is disposed of granting liberty to the petitioner to approach the appropriate forum against the impugned award dated 03.03.2016 (Annexure-3) in accordance with law for redressal of his grievances.

5. It is made clear that this Court has not expressed any opinion on the merits of the matter.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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