

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11966 of 2016

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Poonam Jha Wife of Sri Niranand Jha, resident of Village- Gopi Nagar, P.S-
Kadwa District- Katihar.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Katihar.
3. The District Transport Officer, Katihar,
4. Sri Ram Transport Finance Co. Ltd., 1st floor (Near S.B.I. Life Insurance) Lal
Complex, Mirchaibari, P.O., P.S and District- Katihar, through its Credit
Manager, Purnea Branch.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh, Adv

For the Respondents : AC to SC 22

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-02-2018

Heard learned counsel for the petitioner and learned counsel
for the State.

2. The present writ petition has been filed for the following
reliefs:-

(i) For quashing the ex-parte order and award dated
30.03.2015 passed by the learned Arbitrator, Arbitration Tribunal,
Patna in Arbitration Case No. PUR/09/2013, whereby the petitioners
have been directed to pay Rs. 1,37,778/- with interest at 18% and cost
of Rs. 1,000/- within a month from the date of award to the
respondent no. 4.

(ii) For quashing the default notice dated 04.05.2016 issued
by respondent no. 4 whereby the petitioner have been directed to pay



Rs. 2,27,680/- against the loan account No. BHA GA0811170002 to the company failing which necessary action will be taken against them.

(iii) For a direction to the authorities of the State respondent to inquire into the matter of illegal and arbitrary action of finance company, respondent no. 4 in which the petitioner has filed representation before them.

(iv) For any other relief for which the petitioner is found to be entitled in the facts and circumstances of the case.

3. At the very outset learned counsel for the State submits that the present writ petition is not maintainable against the arbitration award dated 30.03.2015 in view of the alternative remedy available under Section 34 of the Arbitration and Conciliation Act, 1996. Reliance is placed on a Division Bench judgment of this Court in the case of Shivam Housing Pvt. Ltd., and another vs. Thakur Mithilesh Kumar Singh and another, 2015(3) PLJR 876.

4. Learned counsel for the petitioner does not controvert the stand of the respondents.

5. In the above view of the matter and considering that alternative statutory remedy is available to the petitioner to challenge the impugned arbitration award dated 30.03.2015 passed in Arbitration Case No. PUR/09/2013, this Court is not inclined to interfere in the matter. The writ petition stands dismissed.

6. Needless to say, the petitioner is at liberty to take



recourse to such statutory remedy against the impugned arbitration award dated 30.03.2015 as may be available to her in accordance with law.

B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.02.2018
Transmission Date	N.A.

