

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9019 of 2015

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Ram Lakhan Mahto Son of Late Baidh Nath Mahto Resident of Village: -Apahar,
P.S. : - Amnour, District : - Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Transport Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Saran at Chapra.
3. The District Magistrate, Saran at Chapra.
4. The District Transport Officer, Saran at Chapra.
5. Mr. Vijay Kant Jha, Sole Arbitrator, Arbitration Tribunal, Veena Mart Complex, Ashiyana Digha Road, in between IDBI Bank and Friends Colony More Ashiyana, Patna - 25.
6. Shriram Transport Finance Company Limited, Administrative Office - 101-105, Shiv Chambers, II C.B.D. Belapur, Navi Mumbai - 400614.
7. Shriram Transport Finance Company Limited , 502/205, Luv Kush Tower, Exhibition Road, Patna - 800001.
8. PIAGGIO Company Private Limited - 02, Finci Bond Garden Road, Pune - 411001.
9. AP Enterprises , Kaushal Complex - NH - 19, Bada Telpa Near Bhikhari Thakur Chowk, Charpa - 841301.
10. Shriram Transport Finance Company Limited, through its Managing Director Head Office 2nf Floor, Mookambika Complex No. 4, Lady Desika Road, Mylapore, Chennai - 600004.
11. Shriram General Insurance Company Limited, E/8, EPIP, RIICO Industrial Area, Sitapura, Jaipur, Rajasthan - 302022.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv

For the Respondent/s : Mr. GP20- NADEEM SERAJ

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-02-2018

The present writ petition has been filed to set aside the ex-
parte Arbitral Award dated 20.08.2014 passed by the Respondent No.
5 in Arbitration Case No. PAT 49 of 2014 by which the petitioner has
been directed to pay a sum of Rs. 4,00,000/- in addition to interest at
the rate of 18% and the cost within a month of Arbitral Award.



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 20.08.2014 passed in Arbitration Case No. PAT 49 of 2014. 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 20.08.2014 (Annexure-7) 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
Uploading Date	15.02.2018`
Transmission Date	NA

