

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10934 of 2016

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Jai Maa Santoshi Service Station through its Proprietor Gorakh Prasad, Son of Sri Prahlad Prasad, resident of Mohalla- Lodi Katra, Patna City, Police Station- Khajekala in the district of Patna.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Ltd. through its General Manager, Bihar, Patna.
2. The General Manager, Indian Oil Corporation Ltd., Bihar, Patna, Jai Prakash Bhawan, Dakbangla Chowk, Patna.
3. The Deputy General Manager, Marketing Division, Indian Oil Corporation Ltd., Bihar, Patna.
4. The Chief Terminal Manager, Indian Oil Corporation Ltd., Patna Terminal at Shipara, Patna.
- 5.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar
For the Respondent/s : Mr. Anil Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-12-2018 The learned counsel for the respondents submits that the present writ petition is not maintainable inasmuch the Award passed by the sole Arbitrator dated 29.02.2016 is required to be challenged before the original court of competent civil jurisdiction as per definition of the Court defined in Section 2(1) (e) of the Arbitration and Conciliation Act, 1996. In this regard, the learned counsel for the respondents has relied upon a judgment reported in 2015(3) PLJR 876 (**Shivam Housing Pvt. Ltd. & Anr. vs. Thakur Mithilesh Kumar Singh & Anr.**).

Since there is no dispute on the proposition of law advanced by the learned counsel for the respondents, I deem it



fit and proper to dispose of the present writ petition with liberty to the petitioner to challenge the award dated 29.02.2016 before the competent court of civil jurisdiction as per the law laid down in the aforesaid judgment reported in the case of **Shivam Housing Pvt. Ltd.** (supra).

(Mohit Kumar Shah, J)

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