

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Request Case No.20 of 2018**

Eden Transport Pvt. Ltd., having its office at Metropolitan Building, 7, Jawahar Lal Nehru Road, Kolkata- 700 013, through its Director Kunal Sharma, Son of Kabindranath Sharma, Resident of 1/1/1, Srimani Bagan Lane, Howrah Municipal Corporation, Golabari, P.O. & P.S. Golabari, District Howrah.

... .. Petitioner/s

Versus

The Bihar State Road Transport Corporation, a Body Corporate duly constituted under the Road Transport Corporation Act, 1950, inter alia, having its Office at Sultan Palace, Veer Chand Patel Path, Patna.

... .. Respondent/s

with

**Request Case No. 56 of 2018**

Sri Sachchidanand Rai, Son of Late Jaleswar Rai, Resident of 13 Loudon Street 3<sup>rd</sup> Floor, Kolkata- 700017.

... .. Petitioner/s

Versus

Bihar State Road Transport Corporation Limited, a Body Corporate duly constituted under the Road Transport Act, 1950, inter alia, having its office at Sultan Palace, Veer Chand Patel Path, Patna.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate  
For the Respondent/s : Mr. P.K. Verma, Sr. Advocate  
Mr. Roy Saurabh Nath, Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**ORAL ORDER**

10 07-12-2018

Heard Shri Suraj Samdarshi and Shri Roy Saurabh

Nath, learned counsel for the parties.

2. These applications under Section 11 of the



Arbitration and Conciliation Act, 1996 read with Appointment of Arbitrators by the Chief Justice of Patna High Court Scheme, 1996 have been moved praying for appointment of an Arbitrator to adjudicate as to whether termination of the agreement by the respondent-Corporation amounts to any breach of the terms of the contract between the parties and that whether the said cancellation of the agreement being a subsequent cause of action would otherwise be not affected by the Award given earlier in Arbitration Case No. 02 of 2012.

3. After having heard learned counsel for the parties, it is clear that the applicants before this Court have come up for appointment of an Arbitrator to resolve the dispute pertaining to the cause for cancellation of the agreement.

4. Learned counsel for the respondent contends that if that be so, then the Arbitrator can only enquire into the said cause and not the issues which already stood terminated under the earlier Award.

5. There cannot be any dispute about the said proposition and consequently these applications are disposed of with a direction that the Arbitrator so appointed shall enter upon the dispute to resolve the same keeping in view the arbitration clause in the agreement relating to the cancellation of the



agreement and not any other issue which might be covered by the Award given in Arbitration Case No. 02 of 2012. For the said purpose, I nominate Hon'ble Mr. Justice Gopal Prasad (Retired) as the Arbitrator to enter upon the arbitration. Orders to issue accordingly.

**(Amreshwar Pratap Sahi, CJ)**

P.K.P./-

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