

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13431 of 2018

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Ex Armymens Protection Services Pvt. Ltd. registered under the Companies Act, through its Managing Director, Mr. Sunil Kumar Sinha, son of Late Shyam Bihari Lal, resident of Diwan Mohalla, Gawal Toli, Khajekala, Patna, District- Patna- 800008.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Tourism Department, Government of Bihar, Patna.
2. The Secretary, Tourism Department, Government of Bihar, Patna.
3. Bihar State Tourism Development Corporation Ltd. through its Managing Director having its office at Beerchand Patel Path, Patna- 800001.
4. The Managing Director, Bihar State Tourism Development Corporation Ltd., Beerchand Patel Path, Patna- 800001.
5. The Manager Lease, Bihar State Tourism Development Corporation Ltd.

.... Respondent/s

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Appearance:

For the Petitioner/s	:	Mr. Ashish Giri
For the State	:	Mr. Anirban Kundu, SC-24 Mr. Sudhanshu Shekhar, A.C. to SC-24
For the Respondent	:	Ms. Anukriti Jaipuriyar Mr. Prince Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 11-10-2018 The learned counsel for the parties are in agreement that the arbitral proceedings going on before the Principal Secretary, Department of Tourism cannot continue as per the provisions of the new Act i.e. Arbitration and Conciliation Amendment Act, 2015, hence an Arbitrator is required to be appointed for adjudicating the disputes which has arisen between the parties. The learned counsel for the parties have suggested the name of Hon'ble Mr. Justice Jayanandan Singh, a retired Judge of this



Court for the purposes of acting as an Arbitrator for adjudicating the claims and counter claims of the parties arising out of the agreement in question.

In view of the submissions made by the learned counsel for the parties, I deem it fit and proper to appoint Hon'ble Mr. Justice Jayanandan Singh, a retired Judge of this Court as an Arbitrator for the purposes of adjudicating the disputes arising out of allotment letter dated 14.10.2014 as well as the agreement entered into between the parties dated 15.02.2016. It is needless to state that both the claims and counter claims of the parties would be adjudicated by the learned Arbitrator.

For the purposes of facilitating speedy initiation of the arbitral proceedings, I deem it fit and proper to direct the parties to appear before the learned Arbitrator on 27th October, 2018 at 11:30 A.M., along with the certified copy of the present order, so that the learned Arbitrator can fix the schedule for the purpose of finally adjudicating the disputes arising out of the aforesaid allotment letter and agreement. Since the petitioner has already deposited a sum of Rs. 50,00,000/-(fifty lakhs) which is not disputed by the learned counsel for the other side, I deem it fit and proper to direct the respondents to maintain status quo existing as on today for a period of two months from today.



It is needless to state that the petitioner shall file his claim along with a petition for grant of interim relief on or before 10th of November, 2018 so that the prayer of the petitioner for grant of interim relief can be considered by the learned Arbitrator and a final order be passed with regard to the same on or before 11th of December, 2018. It is made clear that the aforesaid status quo order shall not be operational after 11th of December, 2018.

The aforesaid deposit of Rs. 50,00,000/- (fifty lakhs) made by the petitioner shall be subject to the final outcome of the arbitral proceedings as also the final award to be passed by the learned Arbitrator.

Consequently, the arbitral proceedings, pending before the Principal Secretary, Department of Tourism, Government of Bihar, shall stand terminated.

The present writ petition is disposed off on the aforesaid terms.

The Registry is directed to transmit a copy of the present order forthwith to Hon'ble Mr. Justice Jayanandan Singh (Retd.) for information and needful.

(Mohit Kumar Shah, J)

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