

IN THE HIGH COURT OF JUDICATURE AT PATNA
Request Case No.306 of 2017

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Drishtee Foundation Having Its Head Office At Knowledge Boulevard, Tower 'B', 8th Floor, Plot No.A-8A, Sector 62, Noida, Uttar Pradesh, Through Authorised Representative Mrs. Mamta Mishra,

... .. Petitioner/s

Versus

The State Of Bihar Through Principal Secretary, Department of Rural Development, Government of Bihar, Patna & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Shrivastava, Adv., Mr. Girish Pandey, Adv.
For the State	:	Mr. Vijay Kumar Verma, AC to GA-2
For U.O.I.	:	Mr. Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 05-01-2018

Seeking constitution of an Arbitral Tribunal, the jurisdiction of this Court under Section 11(6) of the Arbitration and Conciliation Act, 1996 has been invoked and the dispute pertains to execution of a work in pursuance to a memorandum of understanding dated 1.6.2010 filed as Annexure P/2. Clause 7 of the Memo. contemplates a dispute resolution mechanism and even though in Clause 7/C, there is an agreement with regard to resolution of the dispute, in accordance to the arbitration under the Indian Arbitration and Conciliation Act, 1996, parties admit the position that with regard to work in question and the dispute, jurisdiction is also available to the statutory Arbitral Tribunal



constituted under the Bihar Public Works Contracts Disputes Arbitration, Tribunal Act, 2008. It is stated that the dispute in question falls within the ambit of a dispute as defined in Section 2/E of the aforesaid Act.

That being so, when a statutory Arbitral Tribunal functioning in the State is available to the petitioner, it would be appropriate to direct the petitioner to seek reference of the matter before the said statutory tribunal in accordance to the provisions of Chapter 3 of the Act of 2008.

With the aforesaid liberty to the petitioner, the matter stands disposed of.

(Rajendra Menon, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	9.1.2018
Transmission Date	

