

IN THE HIGH COURT OF JUDICATURE AT PATNA
Request Case No.8 of 2016

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Sadhna Kumari wife of Shree Prakash Sharma Proprietor, M/s Sadhna Rice Mill, Ramnandan Nagar, Datiyana, Bikram, P.S. Bikram, District Patna.

... .. Petitioner/s

Versus

1. The Bihat State Food & Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R-Block, Road No. 2, Patna - 800001, through its Managing Director.
2. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R - Block, Road No. 2, Patna - 800001.
3. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Patna.

... .. Respondent/s

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with

Request Case No. 23 of 2017

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Gunjan Kumar Singh Son of Jai Kumar Singh, Proprietor of M/s Jai Sri Balaji Agro Industries, resident of Village- Satgharva, P.S.- Magadh, P.S. University, District- Gaya.

... .. Petitioner/s

Versus

1. The Bihar State Food & Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R- Block, Road No. 2, Patna- 800001, through its Managing Director.
2. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R- Block, Road No. 2, Patna- 800001.
3. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Patna.

... .. Respondent/s

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with

Request Case No. 9 of 2016

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Smt. Bina Devi wife of Kul Prakash Proprietor, M/s Maa Vindhya Vasini Rice Mill, Rani Talab, Bikram, Gauna, P.S. Bikram, District Patna.

... .. Petitioner/s

Versus

1. The Bihar State Food & Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R-Block, Road No. 2, Patna - 800001, through its Managing Director.



- 2. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R - Block, Road No. 2, Patna - 800001.
- 3. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Patna.

... .. Respondent/s

with
Request Case No. 75 of 2017

Narad Yadav S/o Late Bira Yadav, Proprietor of M/s Jay Maa Durga Rice Mill, Ahirauliya, Resident of Village-Ahirauliya, P.O.-Ahiraulia, P.S.-Ramgarhwa, District-East Champaran.

... .. Petitioner/s

Versus

- 1. The Bihar State Food & Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.2, Patna-800001. through its Managing Director,
- 2. The Bihar State Food & Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.2, Patna-800001.
- 3. The District Magistrate, State Food Corporation Limited, East Champaran.

... .. Respondent/s

with
Request Case No. 29 of 2016

Anup Jaiswal

... .. Petitioner/s

Versus

The Bihar State Food & Civil Supplies Corporation Limited & Ors

... .. Respondent/s

with
Request Case No. 31 of 2016

Abinash Kumar

... .. Petitioner/s

Versus

The Bihar State Food & Civil Supplies Corporation Limited & Ors

... .. Respondent/s

with
Request Case No. 232 of 2017



Sharwan Kumar, son of Late Meghu Saw, resident of Deep Nagar, P.S.- Deep Nagar, District- Nalanda, Proprietor of M/s Shiv Sagar Rice Mill Private Limited, Maniyawa Road, Deep Nagar, Nalanda.

... .. Petitioner/s

Versus

1. The Managing Director, Bihar State Food & Civil Supply Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R- Block, Road No.- 2, Patna- 800001. null null
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, Nalanda.

... .. Respondent/s

with

Request Case No. 46 of 2016

M/s Aathri Packs Rice Mills Through Its Proprietor Manoj Kumar, son of Shriam Babu Sharma, resident of Village- Aathari, P.S.- Runni Saidpur, District- Sitamarhi (Bihar).

... .. Petitioner/s

Versus

The District Manager, Bihar State Food And Civil Supplies Corporation Ltd. Shankar Chowk Dumra, District Office, Sitamarhi, Bihar.

... .. Respondent/s

with

Request Case No. 47 of 2016

M/s Tiripati Rice Mills, Through Its Proprietor Shtrughan Thakur, Resident of Village & P.O.- Sursand, Police Station- Sursand, District- Sitamarhi, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Sitamarhi.
2. The District Certificate Officer, Sitamarhi.
3. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Shankar Chowk Dumra, District Office Sitamarhi, Bihar.

... .. Respondent/s

with

Request Case No. 259 of 2017

Dibesh Kumar Choudhary, Son of Surya Narayan Choudhary, resident of Village- Bishanpur, P.S.- Ashok Paper Mill, District- Darbhanga.

... .. Petitioner/s

Versus



1. The Bihar State Food & Civil Supplies Corporation through its Managing Director, Sone Bhawan, Near R Block, Patna.
2. The District Collector, Darbhanga.
3. The District Manager Bihar State Food Civil Supplied Corporation, District-Darbhanga.

... .. Respondent/s

Appearance :

(In Request Case No. 8 of 2016)

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In Request Case No. 23 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In Request Case No. 9 of 2016)

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In Request Case No. 75 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In Request Case No. 29 of 2016)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In Request Case No. 31 of 2016)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In Request Case No. 232 of 2017)

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In Request Case No. 46 of 2016)

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In Request Case No. 47 of 2016)

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

(In Request Case No. 259 of 2017)

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

20 01-08-2018

These matters are placed before the Court today in the light of certain developments that have taken place after orders were passed by the Hon'ble Supreme Court on 29.01.2018 in Special Leave to Appeal Case No. 450/2018.

These applications were seeking constitution of an



Arbitral Tribunal in the matter of dispute that has arisen between the applicant and the Bihar State Food and Civil Supplies Corporation in the matter of supply of rice and other products.

After hearing detailed argument and various objections, this Court appointed arbitrators in more than 200 cases and the arbitrators were seized of the matter. In the meanwhile, the Corporation approached the Hon'ble Supreme Court in Special Leave to Appeal No. 450/2018 and by a detailed order passed on 29.01.2018, even though Hon'ble Supreme Court upheld the order passed by this Court in the matter of constituting an Arbitral Tribunal and referring the matter for arbitration, but directed that not more than ten cases should be allotted to a single arbitrator. As a consequence of the aforesaid order passed, in cases where the arbitrators appointed by this Court on earlier occasions were allotted more than ten cases, they had returned the files to this Court after retaining ten cases for hearing of the matter. Considering the fact that there were not adequate number of arbitrators available for allotting ten cases as directed by the Hon'ble Supreme Court, this Court deemed it appropriate to direct the Registrar General of this Court to examine the availability of arbitrators, which included retired High Court Judges and retired Senior District Judges, so



that allotment of ten cases to each arbitrator can be made keeping in view the quantification of the claim of each party. Accordingly, the office of the Registrar General after conducting a detailed exercise has submitted a list of cases to this Court along with a list of arbitrators who can be appointed.

If any file has not been returned or has been retained by the earlier arbitrator, the Registrar General to obtain it and refer it to the new arbitrator.

Accordingly, these applications are allowed and now Hon'ble Mr. Justice (Retd.) Akhilesh Chandra is appointed arbitrator to adjudicate and deal with the issue in question.

The Arbitrator, in pursuance to this order, shall proceed in accordance with law.

(Rajendra Menon, CJ)

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