

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.636 of 2019

In
Miscellaneous Jurisdiction Case No.1593 of 2018

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1. The Bihar Text Book Publishing Corporation Ltd. through its Managing Director, Pathya Pustak Bhawan, Budh Marg, Patna- 1.
 2. The Managing Director, the Bihar Text Book Publishing Corporation Ltd., Pathya Pustak Bhawan, Budh Marg, Patna- 1.
 3. The Manager (Marketing and Sales), Sarva Shiksha, the Bihar Text Book Publishing Corporation Ltd., Pathya Pustak Bhawan, Budh Marg, Patna- 1.
 4. The Internal Committee, the Bihar Text Book Publishing Corporation Ltd., Pathya Pustak Bhawan, Budh Marg, Patna- 1.

... .. Petitioner/s

Versus

1. M/s Patna Offset Press a registered partnership firm having its Registered office at - Naya Tola, Near Dharahara Kothi, P.S. Kadam Kuan, P.O.- Bankipore, District- Patna through one of its partners-Sri Amit Kumar Singh, Age- Not Known to this Petitioner, Gender-Male, S/o Shri Ram Naresh Singh, Resident of Mohalla Naya Tola, Near Dharahara Kothi, P.S. Kadam Kuan, P.O.- Bankipore, District- Patna.
2. Sri Vinay Singh, S/o Shri Ram Naresh Singh, resident of Mohalla- Naya Tola, Near Dharahara Kothi, P.S. Kadam Kuan, P.O.- Bankipore, District- Patna. Partners of M/s Patna offset Press, Registered office at Naya Tola, Near Dharahara Kothi, P.S. Kadam Kuan, P.O.- Bankipore, District- Patna.
3. Sri Amit Kumar Singh S/o Shri Ram Naresh Singh, resident of Mohalla- Naya Tola, Near Dharahara Kothi, P.S. Kadam Kuan, P.O.- Bankipore, District- Patna. Partners of M/s Patna offset Press, Registered office at Naya Tola, Near Dharahara Kothi, P.S. Kadam Kuan, P.O.- Bankipore, District- Patna.
4. Smt. Supriti Singh, Wife of Sri Shailesh Kumar Singh, resident of Mohalla- Naya Tola, Near Dharahara Kothi, P.S. Kadam Kuan, P.O.- Bankipore, District- Patna. Partners of M/s Patna offset Press, Registered office at Naya Tola, Near Dharahara Kothi, P.S. Kadam Kuan, P.O.- Bankipore, District- Patna.
5. The State of Bihar through the Principal Secretary, Education Department Government of Bihar, New Secretariat, Bailey Road, Patna.
6. The Chairman-cum-Principal Secretary, Education Department Government of Bihar, New Secretariat, Baily Road, Patna.
7. Mr. B.M. Patel, Managing Director, the Bihar Text Book Publishing Corporation Ltd., Pathya Pustak Bhawan, Budh Marg, Patna- 1.
8. The Bihar Education Project Council through its State Project Director, Rastra Bhasha Parishar, Saidpur, Rajendra Nagar, Patna- 800004.
9. The State Project Director, the Bihar Education Project Council, Rastra Bhasha Parishar, Saidpur, Rajendra Nagar, Patna- 800004.



10. M/s Puja Printech Pvt. Ltd.. Patliputra Industrial Estate, P.O. and P.S. Patliputra, Patna-13.
11. M/s Nav Bihar Media Pvt. Ltd. Patliputra Industrial Estate, P.O. and P.S.- Patliputra, Patna- 13.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli
	:	Mr. Anukriti Jaipuriyar
For the Opposite Party/s	:	Mr.Ashutosh Ranjan Pandey (Aag15)
	:	Mr. Vinay Kr. Mishra
For the BEPC	:	Mr. Girijish Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-03-2019 The present petition has been filed for modifying the order dated 06.09.2018 passed in M.J.C. no. 1593 of 2018, whereby and whereunder the earlier order of this court dated 27.07.2016 was modified and the earlier arbitrator i.e. Hon'ble Mr. Justice Shyam Kishore Sharma, a retired Judge of this Court was substituted and in his place Hon'ble Mr. Justice C.M. Prasad, a retired Judge of this Court was appointed as the sole Arbitrator. Now, it is submitted that the applicants herein have lost faith in the said newly appointed Arbitrator, hence he be further substituted by a new Arbitrator.

I have heard the learned counsel for the petitioners. This Court finds that all the grounds taken by the petitioners as also submitted by the learned counsel for the petitioners can be raised at the time of taking recourse to Section 34 of the Arbitration and Conciliation Act, 1996, i.e. at the time of filing



an application for setting aside of the arbitral award.

At this juncture, the learned counsel for the petitioners submits that atleast the petitioners be granted liberty to move the appropriate Principal Court of Original Civil Jurisdiction under Section 14 of the Arbitration and Conciliation Act, 1996.

Having regard to the facts and circumstances, I do not find that any interference is warranted in the order dated 06.09.2018, hence the present petition stands disposed of. It is needless to state that *de hors* the present proceedings, the petitioners do have the right to take recourse to such remedies as are available under the Arbitration and Conciliation Act, 1996, and this Court cannot stand in the way, thus, it goes without saying that the petitioners are at liberty to take recourse to such other remedies as are permissible, including filing of an application under Section 14 of Arbitration and Conciliation Act, 1996, before the Principal Court of Original Civil Jurisdiction.

(Mohit Kumar Shah, J)

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