

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.161 of 2018

Mathura Prasad Service Station H P, situated at PO Mehendia, P.S.-
Mehendia, District- Arwal through its proprietor Shri Mathura Prasad,
Resident of PO-Mehendia, P.S.-Mehendia, District-Arwal.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Petroleum, Government of India,
New Delhi
2. M/S Hindustan Petroleum Corporation Limited, 17, Jamshedji Tata Road,
Mumbai 4000020
3. Managing Director, Hindustan Petroleum Corporation Limited, 17,
Jamshedji Tata Road, Mumbai 4000020
4. Sr. Regional Manager cum duly Constituted Attorney, Hindustan Petroleum
Corporation Limited, Boring Canal Road, Patna 800001
5. Shri Heerak Upadhyas, Chief Manager NC2, Hindustan Petroleum
Corporation Limited Boring Canal Road, Patna 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar
For the Respondent/s : Mr.S.D Sanjay Addl. Soc. Gen.

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

6 05-02-2020 Vide order dated 10.05.2019 passed in the instant

case, Shri Akhilesh Kumar Jain (Retired), Legal Remembrancer-

cum-Law Secretary, was appointed as an Arbitrator to adjudicate

the dispute between the parties, but he expressed his inability to

proceed with the matter and enter upon the dispute in view of

his appointment as Chairman of the Bihar State Religious Trust

Board.

As such, on 25.10.2019, this Court appointed Shri

Subhas Chandra Chourasia, District & Sessions Judge (Retd.) as

an Arbitrator to enter upon the dispute and render his award.

In compliance of the order dated 25.10.2019, records



were sent to the newly appointed Arbitrator.

Office note dated 04.02.2020 indicates that the records sent to the newly appointed Arbitrator Shri Subhas Chandra Chourasia, District & Sessions Judge (Retd.) stands returned unserved with remarks “refused”.

As such, a new Arbitrator is required to be appointed.

Accordingly, with the consent of the parties, Sri Vikash Kumar Sharma, District and Sessions Judge (Retd.), is appointed as an Arbitrator to adjudicate the dispute inter se the parties.

Parties undertake to appear before the learned Arbitrator on 30.04.2020 and apprise him of passing of this order. They also undertake to fully cooperate and request the learned Arbitrator to complete the proceedings at the earliest, which request, this Court, hope, would be considered appropriately.

Let Registrar General ensure that a copy of this order is made available to the learned Arbitrator by 20th April, 2020.

The parties shall file their statement of claims before the learned Arbitrator on the next date of hearing.

Needless to add, that arbitral proceedings shall be held in consonance with the settled principles of law and the



provisions of the Arbitration and Conciliation Act.

Learned Arbitrator shall be entitled to fee as per
schedule.

The petition stands disposed off in the aforesaid
terms.

(Sanjay Karol, CJ)

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