

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.307 of 2018

In
Civil Writ Jurisdiction Case No.4419 of 2013

-
-
1. M/s Jai Hanuman Petroleum at village Sarai Baksh, P.O. and P.S. Bheldi, District Saran through its Proprietor.
 2. Sheo Nath Rai, son of Deo Balak Rai, Proprietor of the petitioner no. 1, resident of village and P.O. Katsa, P.S. Bheldi, District - Saran.

... .. Petitioners

Versus

1. Indian Oil Corporation Limited, G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai through its Chairman
2. General Manager, Bihar Indian Oil Corporation Ltd., Lok Nayak Bhawan, 5th Floor, Dak Bungalow Road, Patna
3. Deputy General Manager, Sales and Supply, Bihar, Indian Oil Corporation Ltd., Lok Nayak Bhawan, 5th Floor, Dak Bungalow Road, Patna.
4. Muzaffarpur Divisional Office, Indian Oil Corporation Ltd., Krishna Complex, Akharaghat Road, Muzaffarpur through Senior Divisional Retail Sales Manager.
5. Senior Divisional Retail Sales Manager, Indian Oil Corporation Ltd., Muzaffarpur Division Office, Krishna Complex, Akharaghat Road, Muzaffarpur
6. Assistant Manager, Indian Oil Corporation Ltd., Retail Sales, Chapra.

... .. Opposite Parties

Appearance :

For the Petitioners : Mr. Nagendra Rai,
Mr. Navin Nikunj, Advocates
For the Opposite Parties : Mr. Anil Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 06-03-2019

The present petition has been filed to review the order dated 04.08.2016 and the judgment dated 28.10.2016 passed in CWJC No. 4419 of 2013.

2. It is submitted that the Arbitrator is not clothed with the powers conferred on this Court under Article 226 of the Constitution of India and hence, relief sought in the writ petition cannot be granted by



learned Arbitrator. The submission of the leaned counsel for the petitioner is clearly misconceived.

3. The writ petition had been disposed of after hearing the parties and by order dated 04.08.2016 it was expressed that this Court was not inclined to enter into the merits of the matter in view of the forum of arbitration available in terms of Clause 61 of the agreement between the parties. Thereafter, on the joint proposal of the parties, appointment of learned sole Arbitrator was made for resolving the dispute.

4. In the above view of the matter, the petitioner has not pointed out any error apparent from the record nor any sufficient reason for review of the said orders passed in the writ petition. Merely because the learned Arbitrator is not invested with the same powers of the High Court exercising writ jurisdiction, that by itself cannot be a ground for review of an order not entertaining the writ petition in view of the arbitration clause, which has also not been shown to be a non-
efficacious remedy for the parties.

5. The review petition stands dismissed.

BT/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.03.2019
Transmission Date	N.A

