

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12003 of 2018

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Dharambir Kumar Singh, son of Sri Vidaya Bhushan Singh, Resident of Gulni, P.S. - Shambhuganj, District – Banka, Proprietor of M/s Adishakti Mini Rice Mill, Banka.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Patna.
2. The District Magistrate, Banka.
3. The Superintendent of Police, Banka.
4. The Certificate Officer, Banka.
5. The District Manager, Bihar State Food & Civil Supply Corporation, Banka.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr.Upendra Pratap Singh, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 08-07-2019 After hearing learned counsel for the petitioner and learned counsel representing the Bihar State Food & Civil Supplies Corporation as also learned counsel for the State, it appears to be an admitted position in the present case that in terms of the agreement between the petitioner and the Corporation the dispute between the parties have been referred to an arbitral tribunal.

It is stated at the bar that Mr. A.K. Jain, a retired District Judge is presently acting as the sole Arbitrator, yesterday was the date fixed in the matter and now it is fixed for 27th July, 2019 to enable the parties to file their respective



statements of claim and defence/counter claim, as the case may be.

Learned counsel for the petitioner submits that in the judgment of the learned coordinate Bench of this court in CWJC No. 9133/2014 which has been affirmed by the Hon'ble Division Bench in LPA No. 1709/2014, the Corporation had assured that they will not take any further coercive action against the petitioner beyond what has already been taken against him in terms of the agreement. Learned counsel for the Corporation submits that the Corporation will follow the judgment of Hon'ble Division Bench.

Learned counsel for the petitioner further submits that the judgment of the Hon'ble Division Bench in LPA No. 1709/2014 and other analogous matters were subject matter of review in Civil Review No. 150/2015 where the Hon'ble Division Bench has been pleased to declare as follows: -

“Having considered the matter, the only observation we can make, is that the liability in the certificate proceedings would be dependent upon the outcome of arbitration case, which is said to be pending before the Collector, Jamui. We would only request the Collector-cum-District Magistrate, Jamui to enquire into the matter and if it is found that the review petitioner had filed an application for arbitration in terms of Clause 16 of the agreement, as between the petitioner and the



Corporation, he would dispose of the same within two months after hearing the parties. Consequently, the certificate proceedings would, accordingly, stand amended.”

The parties hereto also agree that the present certificate proceeding initiated against the petitioner would be liable to be amended upon the outcome of the arbitration proceeding. This court would request the learned Arbitrator to decide the reference made to him within a period of three months from today.

Learned counsel for the State as well as the Corporation have deposited the cost.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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