

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.30 of 2021

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Nirwana Netralya, Rep. Through Dr. Arvind Kumar S/o Shree Wakil Prasad
R/o Ward No. - 40, Maa Tarachandi Road, Aathkhambawa, P.S. - Sasaram
Town, Dist. - Rohtas, Bihar - 821115 having registered office at - Near Sai
Baba Mandir, Maa Tarachandi Road, Aathkhambawa, Sasaram, Dist. -
Rohtas, Bihar- 821115.

... .. Petitioner/s

Versus

1. The Bihar Swasthya Suraksha Samiti, Kalyan Bhawan, Sheikhpura, Patna - 800014, Bihar.
2. MedSave Health Insurance TPA Limited, F- 701 A, Lado Sarai, New Delhi- 110030.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari, Advocate Mr. Ranjit Singh, Advocate
For the Respondent/s	:	Mr. Shantanu Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 01-12-2021

Heard learned counsel for the parties.

This application has been moved seeking appointment
of a sole arbitrator to adjudicate upon the differences and
disputes between the parties as per the arbitration clause 7 (ii)
of Section 16, as stipulated in the agreement.



Having heard learned counsel for the parties, this Court is of the considered view that the present petition, in its form, is premature. The parties to the lis entered into a written agreement dated 26th of July, 2019. Undisputedly, the said agreement contained a dispute resolution mechanism through which the parties could resort to the process of arbitration. However, subsequently, the parties modified the said agreement by way of another written agreement termed as “Addendum to Agreement” dated 8th of January, 2020, which provides a dispute resolution mechanism.

In this view of the matter, the petitioner is obligated to first resort to the dispute resolution mechanism provided in Clause 16.7 .

Learned counsel for the respondents states that as and when petitioner takes recourse to such remedies, the appropriate authority, stipulated in the said clause, shall decide the petitioner’s case expeditiously, by passing a reasoned order. This, each one of the authority shall positively do within a period of four weeks. Liberty reserved to the petitioner to take recourse to such remedies as are otherwise available in accordance with law, should the need so arise subsequently.

The petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, shall stand disposed
of.

(Sanjay Karol, CJ)

Ashwini/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	03.12.2021
Transmission Date	

