

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1690 of 2021

In

Miscellaneous Jurisdiction Case No.2817 of 2019

=====

M/s Yogendra Rai having office at Nandan Vihar Colony, Mohalla-Mithanpura, P.O. Ramna, Distt-Muzaffarpur-842002, through Managing Partner, Yogendra Rai, Male, aged about 57 years, son of Ram Chhabila Rai, Resident of Nandan Vihar Colony, Mohalla-Mithanpura, P.O. Ramna, Distt. Muzaffarpur-842002.

... .. Petitioner/s

Versus

1. The General Manager, East Central Railway, Hajipur at and P.O. Hajipur, District-Vaishali.
2. The Deputy Chief Engineer, (Con), at and P.O. Raxaul, Distt. East Champaran.
3. The F A and CAO, E.C. Railway, at Mahendrughat, P.O. and District-Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dr. Anand Kumar, Advocate

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

=====

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

=====

Date : 08-09-2021

Petitioner has prayed for the following relief(s):-

“1.That this is an application for modification of order dated 20.09.2019 passed in MJC No. 2817 of 2019 (Arising out of Request Case No. 83/2017) by the Hon'ble Chief Justice whereby Hon'ble Justice Jyoti Saran (Retd.) has been appointed as a Sole Arbitrator due to sad and sudden demise of Hon'ble Me. Justice Binod Kumar Roy (Rtd.), in order



to complete the arbitral proceeding which has remained uncompleted due to non passing of final Award by Late Justice Bonod Kumar Roy.

And/Or

Further also for direction to newly appointed Sole Arbitrator Hon’ble Justice Mr. Jyoti Saran (Retd.) not to charge arbitration fee as per Schedule-4 of the Arbitration and Conciliation Act, as it has already been paid by the Respondents to the earlier appointed Sole Arbitrator, Late Justice B.K. Roy.”

Petitioner seeks exemption of fee for the arbitral proceedings.

Fee is necessarily to be paid to the learned Arbitrator who is now to adjudicate the disputes inter se the parties.

As such, the present application only merits rejection.

The learned Arbitrator shall be entitled to fee as per law.

Petition stands dismissed.

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

(Sanjay Karol, CJ)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	13.09.2021
Transmission Date	

