

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16491 of 2021

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A.B. Grain Spirits Pvt. Ltd. a company registered under Companies Act, 1956, having its registered office at Village- Kiri Afgana, Tehsil Batala, District- Gurdaspur 142527, Punjab and its Corporate office at 709 711, 7th Floor, Gate No.4, Ambience Mall, Ambience Island, NH-8, Gurgaon, Haryana- 122002 through its authorized representative Chandra Bhan Singh, Male, Aged about 61 years, Son of Late Baijnath Singh, Presently Vice President (operations) at A.B. Grain Spirits Pvt. Ltd.

... .. Petitioner/s

Versus

1. Bihar Urban Infrastructure Development Corporation Ltd. through its Managing Director, 2nd Floor, Khadya Bhawan (Bihar State Food and Civil Supplies Corporation Ltd Premises), Road No.- 2, Daroga Prasad Rai Path, R-Block, Patna- 800001.
2. Bihar Urban Transport Services Ltd., through its Managing Director, 2nd Floor, Khadya Bhawan (Bihar State Food and Civil Supplies Corporation Ltd Premises), Road No.- 2, Daroga Prasad Rai Path, R- Block, Patna- 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate
For the Respondent/s : Mr.Rabindra Kr. Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-09-2021 Heard the learned counsel for the petitioner and Sri

Rabindra Kr. Priyadarshi, the learned counsel appearing for the

State.

The present writ petition has been filed seeking
following reliefs :-

*“(i) For issuance of an appropriate writ in
the nature of direction to the learned District
Judge, Patna for disposal of Miscellaneous
case no. 117 of 2018 at the earliest which has
been filed by the petitioner partly
challenging the award dated 20.04.2018,*



passed by learned Arbitrator in Arbitration case no. 7 of 2016.

(ii) For a declaration that if the statute itself provides that such proceeding under Section 34 of the Arbitration and Conciliation Act, 1996 (amended) (hereinafter to be referred to as the act for sake of brevity) is to be tried as summary proceeding and such proceeding has to be concluded within a period of one year from the service of notice as stipulated under Section 34(5) of the Arbitration and Conciliation Act, 1996, it should be disposed of within stipulated time frame.”

The learned counsel for the petitioner submits that the petitioner has partly challenged the award dated 20.04.2018, passed by the learned Arbitrator in Arbitration case no. 7 of 2016 by filing a Miscellaneous case no. 117 of 2018 and even the respondent Bihar Urban Infrastructure Development Corporation has challenged the said award dated 20.04.2018 by filing a Miscellaneous case no. 114 of 2018 but neither of the two cases have progressed in the way, they ought to have and in fact, the said two cases have not even been clubbed, despite mention being made by the petitioner. The learned counsel for the petitioner has referred to **Section 34(6) of the Arbitration and Conciliation Act, 1996** which provides that an application



under this Section shall be disposed of expeditiously and in any event, within a period of one year from the date, on which the notice referred to in Sub-section (5) has been served upon the other party. Nonetheless, the learned counsel for the petitioner submits that the petitioner would be approaching the learned District Judge, Patna by filing appropriate petition for expediting the proceedings pertaining to Miscellaneous case no. 117 of 2018, for which liberty be granted by this Court.

The learned counsel for the respondent state has got no objection, in case this Court directs for expediting the proceedings of Miscellaneous case no. 117 of 2018.

Accordingly, the present writ petition stands disposed of as not pressed, however with liberty to the petitioner to file appropriate petition before the learned District Judge, Patna, for expediting the aforesaid Miscellaneous case no. 117 of 2018, which shall be considered and disposed of in accordance with law.

(Mohit Kumar Shah, J)

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