

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.28 of 2022

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M/s Raiganj Food Grain Product Private Limited, Shitgram, Uttar Dinajapur (W.B.) through its Director, Sanjay Bhaumik, son of Dilip Kumar Bhowmik, Resident of Shitgram Panishala, P.S.- Raiganj, District- Uttar Dinajpur (W.B.)

... .. Petitioner/s

Versus

1. The Managing Director, Bihar State Food & Civil Supply Corporation Limited, Patna-800001.
2. The District Manager, Bihar State Food & Civil Supply Corporation Limited, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 17-08-2022 Petitioner has prayed for the following relief(s):

- i. For a request to this Hon'ble court for appointment of Arbitrator in terms of section 11(6) of the Arbitration & Conciliation Act 1996, under the circumstances that the respondents have failed to adhere to the different terms and conditions of the agreement and have further failed to respond to the request for arbitration notice.
- ii. For appointment of Arbitrator to resolve the dispute which arises between this petitioner and respondent with respect to the paddy provided to the petitioner by the respondent for milling and preparation of CMR.
- iii. For change of the Arbitrator whose name has been assigned in the Agreement itself as he is interested party and respondent



is appointed by the State of Bihar authority as nodal agency for the procurement of paddy and allotment of paddy to the rice miller for milling the same and District Magistrate of the same District who has been named as arbitrator if as to resolve the dispute which arising between the parties as he is the employee of the State of Bihar.

The decision of the Special Leave to Appeal (C) No(s). 10455/2020, titled as **The Managing Director, Bihar State Food and Civil Supply Corporation Limited & Anr. Vs. Sanjay Kumar**, shall have a bearing on the outcome of the present petition.

In this view of the matter, present petition is disposed of with the direction that the findings rendered by Hon'ble the Apex Court shall bind the parties.

Liberty reserved to the petitioner to file a fresh petition on the same and subsequent cause of action, should the need so arise.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

Sujit/Ashwini

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