

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3634 of 2021

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Jamuna Prasad, Son of Prafull Chand Prasad, Resident of Pali More, Dehri-on-Sone, P.S.-Dehri (T), District-Rohtas.

... .. Petitioner/s

Versus

1. The Union of India, through the General Manager, East Central Railway, Head Quarter Office, Hajipur, Bihar.
2. The Senior DSTE, Mughalsarai-cum-Presiding Arbitrator U.P.
3. The Senior DSO, Mughalsarai, Eastern Central Railway, D.R.M. Office, Danapur, Co-Arbitrator, Bihar.
4. The Senior DSO, Mughalsarai, Eastern Central Railway-cum-Co-Arbitrator, U.P.
5. The Senior D.F.M., Eastern Central Railway-cum-Co-Arbitrator, Mughalsarai, U.P.
6. The Inspector of Works/Line/Mughalsarai, U.P.
7. The Senior Divisional Engineer (I), Eastern Central Railway, Mughalsarai, U.P.
8. The Assistant Engineer, Eastern Central Railway, Mughalsarai, U.P.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Dr. K.N.Singh (ASG)
		Mr. Abhinay Raj, Advocate (Railways)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 27-01-2022 This application has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

This writ petition filed on 19.10.2020 under Article 226 of the Constitution of India which has been registered on



02.02.2021. The petitioner is seeking following direction:-

“That the petitioner craves indulgence of this Honb'ble Court for issuance of an appropriate Writ in the nature of Mandamus, commanding the respondents to dispose of the petition dated 17.07.2017, filed on behalf of the petitioner vide letter No. JP/LC Gates/Boom Locking/47/DOS in Arbitration Award for differences arose out of C.A. No.MGS/BT/Agrr/1158Sr. DEN-1/2009-10 dated 10.02.2010 as contained in Annexure-3 and Annexure-2 respectively within stipulated period.”

The representation which the petitioner wants to be disposed of by the Arbitral Tribunal under the direction of this Court in exercise of power of judicial review under Article 226 of the Constitution of India has been brought on record by way of Annexure-3 to the writ application.

Learned counsel appearing on behalf of the petitioner has submitted that by the said representation dated 17.07.2017, the petitioner had sought for simple correction of typographical errors and the said representation was, in fact, a petition under Section 33 of the Arbitration and Conciliation Act, 1996. He has also submitted that subsequent to filing of the said representation dated 17.07.2017, further representations were also filed before the Arbitral Tribunal with the same prayer.



There does not appear to be any pleading that the petitioner has taken recourse to Section 34 of the Act by putting to challenge the said award, which he could have availed.

In our view, this writ application seeking direction to the Arbitral Tribunal to entertain the said representation dated 17.07.2017 is wholly misconceived. In any event, the said representation dated 17.07.2017, cannot be treated to be a petition seeking correction/rectification of clerical errors.

In such view of the matter, we are of the opinion that this application is completely misconceived and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

K.K.RAO/-

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