

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16944 of 2022

=====

Broad Son Commodities Private Limited a company incorporated under the provisions of the Companies Act, 1956 having its registered office at Dr. Himanshu Complex, Block Road, Koilwar Chouk, P.S. Koilwar, District Bhojpur (Ara), through its Director Ashok Kumar aged about 66 years (male), son of Ram Chandra Saw, resident of Village/Mohalla- Pareo, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-Cum-Principal Secretary, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna- 800001.
2. The Principal Secretary Cum Commissioner Mines, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna- 800001.
3. The Special Secretary cum Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Deputy Director, Mines and Geology, Patna Circle, Patna.
5. The District Magistrate-cum-Collector, Patna.
6. The Mineral Development Officer, Patna.
7. The District Certificate Officer cum Additional District Collector, Law and Order, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate Mr. Diwanshi Rohtagi, Advocate Mr. Avinash Shekhar, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, GA-7 Mr. Naresh Dikshit, Spl. P.P., Mines

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

=====

(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 : 09-12-2022

Heard learned counsel for the parties.

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

- (i) To issue an appropriate writ, order or direction in the nature of *certiorari* quashing letter no. 2403 dated 21.09.2022 issued by the Respondent Collector, Patna whereby the Respondent Branch Manager, Punjab National Bank, Koilwar Branch has been directed to freeze Petitioner's bank account no. 0725002100004845 and to further direct the Respondent Branch Manager, Punjab National Bank, Koilwar Branch to unfreeze the aforesaid bank account of the petitioner.
- (ii) To issue an appropriate writ, order or direction in the nature of mandamus commanding the Respondents not to take any coercive steps against the petitioner till final adjudication of dispute by the Arbitral Tribunal comprising Hon'ble Mr. Justice Deepak Gupta (Retired), appointed by this Hon'ble Court in Request Case No. 33/ 2022.
- (iii) This Hon'ble Court may adjudicate and hold that the action of the Respondents in freezing the bank account of the petitioner tantamounts to scuttling the dispute resolution process of arbitration currently pending before the Arbitral Tribunal.
- (iv) This Hon'ble Court may further adjudicate and hold that the action of the Respondents in freezing the bank account of the petitioner is highly unreasonable and arbitrary in nature.



- (v) This Hon'ble Court may award the cost of litigation and suitable compensation to the Petitioner for the loss and damages caused on account of the illegal and arbitrary actions of the Respondent Authorities.
- (vi) To grant any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case.

Shri Suraj Samdarshi, learned counsel for the petitioner, states that pursuant to the order dated 11.05.2022, passed in Request Case No. 33 of 2022, titled as Broad Son Commodities Private Limited Vs. The State of Bihar & Ors., the arbitral proceedings have already commenced and that the petitioner shall prefer an application seeking interim protection, including assailing the order dated 21st of September, 2022, passed by the District Magistrate, Patna (Annexure-6, Page-39).

Statement taken on record.

Liberty as prayed for is granted.

The instant petition stands disposed of.



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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	13.12.2022
Transmission Date	

