

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21087 of 2018

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Jitendra Kumar Son of Kumar Awadhesh Sharma Resident of Mohalla Anandpuri West Boring Canal Road, Budha Colony, P.S. Budha Colony Dist.- Patna Presently residing at 41 Surya Apartment, Fraser Road, P.S. Gandhi Maidan Distt, Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Law & Justice, New Delhi.
2. The State of Bihar through the Principal Secretary, Ministry of Law and Justice, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	
For the Respondent/s	:	Dr. K.N. Singh, ASG Mr. Anshuman Singh, Advocate Mr. Devansh Shankar Singh, JC to ASG Mr. Amarjeet, JC to ASG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 12-07-2022 Petitioner has prayed for the following relief(s):-

(a) To declare that Sections 2 (c), amended Section 3, Section 10 Section 13 (2), Section 15 of "The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015" as amended by Ordinance No. 3 of 2018,(Now Act no 28 of 2018) are illegal, improper, unconstitutional, and therefore the same needs to be struck down, more particularly in their applicability to all the proceedings involving subject-matter of Rs.3 lakhs and above and also pertaining to the Arbitration disputes, in the peculiar facts and circumstances of the case and in the interest of justice;



Or in the alternative / in addition to the said relief the Hon'ble Court be pleased to :

(b) Read-down the provisions of the said Act so as to remove the arbitrariness and illegalities in respect of the applicability of the various provisions of the said Act, in the peculiar facts and circumstances brought to the kind notice of the Hon'ble Court.

Or Further in the alternative:

(c) issue appropriate directions/guidelines to extend the applicability and operation of the commercial courts to more courts than a Commercial Court in a District in the State of Bihar and issue appropriate directions for the said purpose to the respondent No.1, in the peculiar facts and circumstances of the case.

(d) Stay the effects and operation and applicability of the said impugned provisions of the said Commercial Courts Act as amended by Act no. 28 of 2018 and more particularly transfer of the cases to the Commercial Courts during the pendency of the present petition, in the peculiar facts and circumstances stated herein-above;

(e) Grant ad-interim order of interim stay of the amending Act of 2018 in absence of proper implementation by Bihar Government in the interest of justice.

(f) And be further pleased to pass any such other order/s and grant such other reliefs as may be deemed fit and proper by this Hon'ble Court in the facts and circumstances of the instant case as well as in the interest of justice.

Despite repeated calls, none has entered appearance on behalf of the petitioner.



As such, the petition stands dismissed for default.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./Amrendra

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