

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.23 of 2023

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M/s Jay Shree Tea and Industry Limited proprietor of Majhaulia Sugar Industries, having its registered office and head office at Industry House, 15th Floor, 10 Chemic street Calcutta - 700017 and the Mill is situated in the District of West Champaran, Bihar - 845454 represented through its Authorized Signatory and Deputy General Manager (Commercial), namely Upendra Nath Rai, Gender Male aged about 60 years Son of Late Chandrika Rai, resident of New Bajrang Nagar, Ratanpura Ojha Toli, Chapra, Saran - 843101.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Limited, G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai- 400 051 represented through its Chairman cum Managing Director.
2. The Chief General Manager (Operations), Indian Oil Corporation Limited, Bihar State Office, Lok Nayak Jaiprakash Bhawan, 5th Floor, Dakbunglow Road, Patna-800 001.
3. The Depot Manager, Indian Oil Corporation Limited, Sipara, Patna-800 002.
4. The Depot Manager, Indian Oil Corporation Limited, Barauni- 851210.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ramesh Kumar Agrawal, Advocate
For the Respondent/s	:	Mr.Sanat Kumar Mishra, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 26-07-2023

Learned counsel appearing for the respondents submits that even as per the agreement, which is produced at Annexure-1, there is a clause, where penalty reduction can be considered in cases of flood/cyclone/heavy rain, as is indicated in the tabular form. However, there are certain requirements to be complied with and a certificate to be produced before the authority. It is the submission of the learned counsel for the



respondents that the arbitration request is premature.

Learned counsel for the petitioner agrees that the petitioner would first approach the authority, as has been specified in the agreement.

Leaving such liberty, the request case is closed.

Leaving further liberty for the petitioner to approach this Court for arbitration, if required.

(K. Vinod Chandran, CJ)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	01.08.2023
Transmission Date	

