

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.29 of 2023

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Surya Alloy Industries Limited, a Company incorporated under the Companies Act, 1956, represented through its Company Secretary, having its registered Office at 1/1, Camac Street, 3rd Floor, Kolkata 700016, through its authorized signatory Gauranga Das, aged about 49 years, Male, son of Late Indramohan Das resident of Badhagachi (CT) South, P.O. Guptipara, P.S. Balagarh, District Hooghly (West Bengal).

... .. Petitioner/s

Versus

1. The Union of India, through the Secretary, Ministry of Railways, having office at Rail Bhawan, Raisina Road, New Delhi.
2. The Principal Chief Material Manager, at 1st floor, Stores Branch, Administrative Building, Rail Wheel Plant, Bela, P.O. Arvindnagar, District Saran, Bihar.
3. Deputy Chief Material Manager-II, Office of the Principal Chief Material Manager, 1st Floor, Stores Branch, Administrative Building, Rail Wheel Plant, Bela, P.O. Arvindnagar, District Saran, Bihar.
4. The Assistant Material Manager, (Depot), Office of the Principal Chief Material Manager, working for gain at 1st floor, Stores Branch, Administrative Building, Rail Sheet Plant, Bela, P.O. Arvindnagar, District Saran, Bihar.
5. Eastern Railway Service through the General Manager, working for gain at 17, Netaji Subhash Road, Fairlie Place, Kolkata 700001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan, Advocate
For the Respondent/s	:	Dr. K.N. Singh, Additional Solicitor General
		Mr. Anshuman Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 07-10-2023

The Request Case has been filed challenging the appointment of an Arbitrator at Annexure-12. Learned counsel for the petitioner submits that in view of the subsequent amendments made to the Arbitration & Conciliation Act, 1996 there can be no Arbitrator appointed who has some interest in



the issue. Here a retired official of the Railways is appointed as an Arbitrator and there is no waiver on the part of the petitioner.

2. If the petitioner is aggrieved with the appointment of an Arbitrator at Annexure-12, he should approach the Writ Court and not file a further request petition.

3. Leaving open such remedy with just exceptions, the request case is disposed of.

(K. Vinod Chandran, CJ)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	10.10.2023
Transmission Date	

