

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.863 of 2023**

M/s. Sadbhav - GKC (JV) The Joint Venture between Sadbhav Engineering Ltd. and GKC Projects Limited, having their respective offices at Sadbhav House, Opposite Law Garden Police Chowki, Ellis Bridge, Ahmedabad at SY. No. 9 (B), CII- Green Building Lane, Hitec City, Kondapur, Hyderabad through its Vice President, Vikramjeet Singh, Male, Aged about 70 years, Son of Late Avatar Singh, Resident of Plot No. 198, Jai Darshini Enclave, P.S. Kompalli, District Secunderabad, (Telengana).

... .. Petitioner/s

Versus

The Bihar State Road Development Corporation Ltd. through its Chairman cum Managing Director having its Office at R.C.D. Central Mechanical Workshop Campus, Near Airport Sheikhpura, Patna.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                                    |
|----------------------|---|----------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. S. D. Sanjay, Sr. Advocate<br>Mr. Mohit Agrawal, Advocate<br>Mr. Lokesh Kumar, Advocate        |
| For the Respondent/s | : | Mr. Vishal Kumar, Advocate<br>Mr. P.K. Shahi, Advocate General<br>Mr. Manish Dhari Singh, Advocate |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      05-12-2023              Learned counsel for the petitioner seeks permission to make necessary correction in paragraph nos. 16 and 17 of the petition in course of the day.

02. He is permitted to do so in course of the day.

03. Heard learned senior counsel appearing on behalf of the petitioner and learned Advocate General for the respondent.

04. The instant petition has been filed seeking direction to the learned District Judge-cum-Commercial Court, Patna for early hearing and disposal of Execution Case No. 206



of 2019 arising out of Arbitration Case No. 03 of 2014.

05. Learned senior counsel appearing on behalf of the petitioner submits that the parties were before the learned Arbitrator in Arbitration Case No. 03 of 2014 and some award was passed in favour of the petitioner. Aggrieved by the said award, the respondent preferred Misc. Arbitration Case No. 36 of 2017 before the court of learned District Judge-cum-Commercial Court, Patna challenging the said award. The petitioner also preferred an application under Section 34 of the Arbitration and Conciliation Act, 1996 by filing Misc. Arbitration Case No. 80 of 2017 being aggrieved by the rejection of the partial claim of the petitioner regarding transportation incurred for procuring aggregate and the claim of compensation for delay in providing work front. Thereafter, another application has been filed by the petitioner bearing Execution Case No. 206 of 2019 seeking execution of award under Section 36 of the Arbitration and Conciliation Act, 1996 since there was no stay on execution of award. Learned senior counsel further submits that the said case was filed in the year 2019 since then it has been pending adjudication. Learned senior counsel further submits that no stay was granted by the learned District Judge-cum-Commercial Court, Patna in the



application under Section 34 of the Arbitration and Conciliation Act, 1996 bearing Misc. Arbitration Case No. 36 of 2017 filed by the respondent

06. Learned Advocate General submits that respondent is also in favour of early resolution of dispute and he has no objection if the directions are given to the learned District Judge-cum-Commercial Court, Patna for early disposal of the matter.

07. Under the aforesaid facts and circumstances, the concerned learned court where the Execution Case No. 206 of 2019 arising out of Arbitration Case No. 03 of 2014 is pending is directed to take up the matter at the earliest and proceed to dispose of the same within three months from the date of receipt/production of a copy of this order.

08. Accordingly, the present petition stands disposed of.

**(Arun Kumar Jha, J)**

Ashish/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

