

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.37 of 2024

JKM Infra Project Ltd., through its authorized signatory Ashish Jalan, Male, aged about 51 years, Son of Late Mahavir Prasad Jalan, Resident of Gorakh Nath and Leela Apartment, East Boring Canal Road, P.S.- Sri Krishna Puri, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Chief Engineer, North Bihar, Road Construction Department, Patna, Bihar.
4. The Superintending Engineer, Road Construction Department, North Bihar Circle, Bihar.
5. The Executive Engineer, Road Construction Department, Road Division, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. P. K. Shahi, Advocate General

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 05-07-2024 The short question raised herein is the extension of time for completing the arbitration.

2. On an interpretation of Section 29A of the Arbitration and Conciliation Act, 1996, the Hon'ble Supreme Court in Special Leave to Appeal (C) No(s). 10544/2024 (Chief Engineer (NH) PWD (Roads) v. M/s BSC & C and C JV) has held as follows:-

“The power under sub-section (4) of Section 29A of the Arbitration Act vests in the Court as defined in Section 2(1)(e) of the



Arbitration Act. It is the principal Civil Court of original jurisdiction in a district which includes a High Court provided the High Court has ordinary original civil jurisdiction.”

3. In the above circumstances, even going by the decision of the Hon’ble Supreme Court in *Kunhayammed & Ors. vs State Of Kerala & Anr.; (2000) 6 SCC 359*, though a dismissal of the S.L.P., the direction as extracted herein is binding under Section 141 of the Constitution of India.

4. Hence, the request case is closed leaving the parties to approach the principal Civil Court of original jurisdiction.

(K. Vinod Chandran, CJ)

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