

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.67 of 2024

1. India Power Corporation (Bodh Gaya) Ltd. (Now known as Vikriti Power Limited), having its Registered Office at Room No.- 701, 7th Floor, Sidco Global Tower CN 8/2, Sector- V, Salt Lake City, Kolkata Bidhan Nagar CK Market, North 24 Parganas, Saltlake, West Bengal, India, 700091 through its authorized representative Mr. Sanjay Gupta, S/o Umesh Chandra Gupta, R/o- 184, Bhupen Roy Road, Behala, Kolkata- 700034.
2. India Power Corporation Limited, having its Registered Office at Plot No.- X1-2 and 3, Block EP, Sector- V, Salt Lake City, Kolkata- 700091 through its authorized representative Mr. Samrat Chatterjee, S/o Kamal Chatterjee, R/o BB 49, Street 109, New Town, Kolkata- 700156.

... .. Petitioner/s

Versus

South Bihar Power Distribution Company Limited having its Registered Office at Second Floor, Vidyut Bhawan, Jawaharlal Nehru Marg, Bailey Road, Patna- 800021.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Umesh Prasad Singh, Sr. Advocate
		Mr. Kumar Manish, Advocate
		Mr. Vaibhav Veer Shankar, Advocate
		Mr. Kumar Saurav, Advocate
		Mr. Kumar Gaurav, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 12-07-2024 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)

Sujit/-

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