

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.77 of 2024

M/s. J.K.M. Infra Projects Ltd. having its Registered Office at C- 84, Grater Kailash I, New Delhi, and its Local Office at Flat No. 403 and 404 Gorakhnath and Leela Apartment, Gorakhnath Lane, East Boring Canal Road, Patna, through its Authorized Officer cum DGM, Finance, Sri Ashish Jalan, Aged about 51 years, Male, son of Late Mahavir Prasad Jalan, resident of 403 and 404 Gorakhnath and Leeta Apartment, Gorakhnath Lane, East Boring Canal Road, P.S.- Sri Krishna Puri, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna.
2. The Engineer in Chief (North) Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
3. The Chief Engineer, Water Resources Department, Government of Bihar, Birpur, Patna.
4. The Superintending Engineer, Water Resources Department, Government of Bihar, Canal Circle, Birpur.
5. The Executive Engineer, Water Resources Department, Government of Bihar, Western Koshi Embankment Division, Kunauli at Birpur (Supaul).
6. The Executive Engineer, Water Resources Department, Government of Bihar, Western Koshi Embankment Division, Nirmali, District- Supaul.
7. The Executive Engineer, Water Resources Department, Head Works Division, Birpur, District- Supaul.

... .. 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

3 19-07-2024 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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