

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.807 of 2024

M/s Indian Potash Limited Potash Bhawan, 10B, Rajendra Park, Pusa Road, New Delhi- 110060 through Chandan Kumar, Son of Mr. Sanjay Kumar, Aged about- 40 Years Gender- Male, and employee of the Indian Potash Limited, having its regional office at 402, Vasundhara Metro Mall, East Boring Canal Road, Police Station- Budha Colony, District- Patna- 800001 duly nominated by its Managing Director as Attorney of the Company.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Sugarcane Industries, Government of Bihar, New Secretariat, Vikas Bhawan, Bailey Road, Patna.
3. The Cane Commissioner, Department of Sugarcane Industries, Government of Bihar, Patna.
4. The Industrial Development Commissioner, Government of Bihar, Patna.
5. The Development Commissioner, Government of Bihar, Patna.
6. The Principal Secretary, Department of Finance, Government of Bihar, New Secretariat, Bailey Road, Patna.
7. The Commissioner, Land Reforms, Government of Bihar, Patna.
8. The Bihar State Sugar Corporation Ltd, through the Cane Commissioner, Department of Sugar Cane Industries New Secretariat, Vikash Bhawan Bailey Road, Patna.
9. The Managing Director, Bihar State Sugar Corporation Ltd. through the Cane Commissioner, Department of Sugar Cane Industries, New Secretariat, Vikash Bhawan Baily Road, Patna.
10. The General Manager, Bihar State Sugar Corporation Ltd. through the Cane Commissioner, Department of Sugar Cane Industries, New Secretariat, Vikash Bhawan Baily Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Advocate Mr.Sanjeet Kumar, Advocate Mr. Aditya Dev, Advocate
For the State	:	Mr. Raghwanand, GA-11
For B.S.S.C.	:	Mr. Gayan Shankar, Advocate



CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 09-09-2024 The matter has been taken up on mentioning being made on behalf of the petitioner.

2. Heard learned senior counsel for the petitioner as well as respondents.

3. Learned senior counsel for the petitioner submits that Award in Request Case No. 03 of 2016 has been passed by learned Arbitrator on 25.10.2019. Execution Case No. 43 of 2020 has been filed for execution of the said Award but till date the Award has not been executed and the routine orders are being passed. Learned senior counsel further submits that the petitioner has been denied the fruits of the Award for such long period and the learned executing court has been acting in violation of the guidelines of Hon'ble Supreme Court in the case of *Rahul S. Shah Vs. Jinendra Kumar Gandhi and Others*, reported in *(2021) 6 SCC 418*, wherein the Hon'ble Supreme Court has issued certain guidelines for executing court to adhere to and has also directed that the executing proceeding must be concluded within six months. Learned senior counsel further submits that the petitioner has approached with this Court with limited prayer for direction to the learned executing court to dispose of the execution case at the earliest.



4. Learned counsel appearing for the State-respondents submits that Appeal being Misc. Case No. 43 of 2021 has been preferred against the Award dated 25.10.2019. However, learned counsel fairly concedes that there is no stay from the appellate court. Learned counsel on instruction further submits that there has been some order in Misc. Case No. 43 of 2021 for hearing of appeal and execution matters together.

5. Having regard to the facts and circumstances and considering the limited prayer of the petitioner, learned executing court is directed to take up the Execution Case No. 43 of 2020 in all earnest and try to dispose it of at the earliest having regard to the guidelines issued by the Hon'ble Supreme Court in the case of *Rahul S. Shah* (*supra*).

6. With the aforesaid direction, the present petition stands disposed of.

(Arun Kumar Jha, J)

DKS/-

U			
---	--	--	--

