

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No. 838 of 2024

1. The Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan Daroga Prasad Rai Path. R. Block, Road No. 02, Patna, through its Managing Director.
2. The Managing Director, The Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Rai Path, R. Block, Road No. 02, Patna.
3. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Khagaria.

... .. Petitioners

Versus

Dinkar Chaudhary Son of Raja Ram Chaudhary @ Rajaram Chaudhary
Resident of village Bhagwara, Post Office Suhird Nagar P.S. Muffasil,
District Begusarai.

... .. Respondent

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Advocate Mr. Anand Kishor, Advocate Mr. Utkarsh Utpal, Advocate
For the Respondent/s	:	Mr. Manish Prakash, Advocate Mr. Rohit Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 27-08-2024

The matter has been taken up on mentioning being made on behalf of the petitioners.

02. Heard learned counsels for the respective parties.

03. Learned counsel for the petitioners submits that Misc. Case No. 01 of 2021 has been filed under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') against the Award dated 17.10.2020 passed in Arbitration Case No. 05 of 2019 arising out of order dated 06.09.2019 passed in Request Case No. 63 of 2019. Learned counsel further submits



that the learned District Judge, Patna, transferred the matter to the court of learned Additional District Judge-VIII, Patna for disposal where the argument of the parties has been completed and written argument has also been filed on behalf of the parties. Learned counsel further submits that prayer in terms of Section 36(3) of the Act has also been made for staying the Award in Misc. Case No. 01 of 2021 filed under Section 34 of the Act. Learned counsel further submits that the transfer of the matter to the court of learned Additional District Judge is against the notification dated 25.07.2019 of the Government of Bihar as it is the court of learned District Judge which has been designated as Commercial Court to exercise jurisdiction in respect of commercial dispute where the value of the dispute exceeds Rs. 1 crore. However, learned counsel concedes that the same is not a matter of challenge in the present petition.

04. Learned counsel for the respondent submits that the respondent has already filed execution case and have moved before this Court by filing Civil Misc. Case No. 602 of 2024 for direction to the learned executing court to execute the Award in terms of guidelines issued in the case of ***Rahul S. Shah vs. Jinendra Kumar Gandhi and Others***, reported in ***(2021) 6 SCC 418***. Learned counsel for the respondent further submits that he



has no objection if the Court, in seisin Misc. Case No. 01 of 2021, is directed to dispose of the same within a stipulated period.

05. Considering the fact that Award has been challenged in the year 2021 and neither any interim orders nor the final orders have been passed though specific prayer under Section 36(3) of the Act for stay has been made before the learned subordinate court, the court concerned is directed to take up the Misc. Case No. 01 of 2021 and dispose of the same within three months from the date of receipt/production of a copy of this order.

06. Accordingly, the present petition stands disposed of with the aforesaid observation.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2024
Transmission Date	NA

