

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.101 of 2023

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SPML Infra Limited having its registered office at F-27/2 Okhla Industrial Area, Phase - II, New Delhi- 110020 and Correspondence Office at 22, Camac Street, Kolkata - 700016, through its Authorised Representative, Shri Chandra Prakash, male, aged about 52 Years, S/o Shri Banaras Prasad, Resident of Saraswati Sadan, Road No. 3, Phulwari, P.S. Jakanpur District Patna.

... .. Petitioner/s

Versus

Public Health Engineering Department Government of Bihar, having its office at PHED Bhawan, Bailey Road, MLA Colony, Raja Bazar, Indrapuri, Patna, Bihar - 800015.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harsh Singh, Advocate
For the Respondent/s : Mr. P.K. Shahi (A.G.)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 28-06-2024

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)

P.K.P./-

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CAV DATE	
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