

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15750 of 2023

M/s Trig Detective Pvt. Ltd. Office No. D/3-6, Ground Floor, Sitaldevi CHSL, Opp. Indian Oil Nagar, D.N. Nagar, Andheri (W), Mumbai - 400053 through its Director namely Manisha Joshi aged about 39 years (female), W/o Aseem Jhoshi, R/o- House No 17, Near Alpana Hotel, Seth Hukum Chand Colony, District- Jalandhar, Punjab- 144008.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Health Department, Government of Bihar, Patna.
2. The Secretary, Health Department (Special Cell), Government of Bihar, Patna.
3. The Secretary, Health Department (Special Cell), Government of Bihar, Patna.
4. The Director, Indira Gandhi Institute of Medical Science, Sheikhpura, Patna-14, Bihar.
5. The Deputy Director, Indira Gandhi Institute of Medical Science, Sheikhpura, Patna- 14, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Fakhruddin Ali Ahmad, Advocate
For the Respondent/s : Mr.Sunil Kumar Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

8 18-07-2024 The petitioner is aggrieved with the order imposing penalty on the petitioner with respect to a contract for supply of security personnel in the 4th respondent's hospital. The agreement itself is produced along with the writ petition wherein Clause 64 refers to dispute resolution.

2. Learned counsel for the petitioner specifically points out that if the disputes are not resolved through joint



discussion, then a sole Arbitrator has to be appointed by the Director, IGIMS, Patna which will be in violation of Section 11(6) of the Arbitration and Conciliation Act.

3. In the context of the specific dispute resolution clause, it may not be proper for us to exercise jurisdiction under Article 226 of the Constitution of India. However, as the learned counsel for the petitioner submitted the appointment of a sole Arbitrator by the Director, IGIMS, Patna would be against Section 11(6) of the Arbitration Act.

4. In such circumstances, the petitioner shall give a further representation to the 4th respondent and the 4th respondent shall call the petitioner for a joint discussion. If the issue is not resolved as per the dispute resolution clause, necessarily the petitioner would be entitled to seek appointment of an Arbitrator under the Arbitration and Conciliation Act, 1996.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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