

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8615 of 2017

1. Shankar Kumar, son of Bishwanath Prasad Sao
2. Prakash Kumar Son of Sri Nanu Chand Sao
Both Petitioner No. - 1 and 2 are Proprietor Partner of M/s Bhagwati Udyog Rice Mill, resident of Village - Naya Bazar, Kawaiya Road, P.S. - Lakhi Sarai, District - Lakhi Sarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Collector cum District Magistrate, Nawada
2. The District Collector-cum-District Magistrate-cum-Arbitrator, District - Nawada.
3. The District Certificate Officer, Nawada, Dist. Nawada.
4. The Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R – Block, Road No. 2, Patna through its Managing Director
5. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Khadya Bahwan, Daroga Prasad Path, R – Block, Road No. 2, Patna
6. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. Nawada, District - Nawad

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad- Aag5
For the BSFC	:	M/s Shailendra Kumar Singh, Utkarsha Utpal, Advocate

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL ORDER

4 24-06-2025 1. The writ petition is filed for the following reliefs:

“1. for stopping of the Arbitration Reference Case No. 08(M) of 2016 pending in the court of District Collector-cum-District Magistrate, Nawada,



respondent no-2 in between the petitioner as well as District Manager, BSFC, Nawada; on the ground that the arbitration proceeding is not maintainable in the light of new amendment dated 23.10.2015 in the Arbitration and Conciliation (Amendment) Act, 2015 by virtue of which the interested party cannot be the arbitrator;

II. And for any other relief/reliefs which the petitioner is entitled for.”

2. During the course of arguments, it was contended by the learned counsel for the petitioner(s) that, in view of the amendment to the Arbitration Act, the Collector himself is not competent to pass any order. However, in the present case, the order was passed by the Collector, which came to the notice of the petitioner only upon receipt of the counter affidavit.

3. A proceeding has been initiated under the Arbitration and Conciliation Act, 1996 and in terms of the agreement the Collector was



appointed as Arbitrator to decide the case. There is provision under Section 34 of the Arbitration and Conciliation Act, 1996 which provides that if any person is aggrieved by the award he may challenge the same before the Principal Civil Court.

4. The Learned counsel for the petitioners accordingly seeks permission to challenge the order passed by the Collector prior to approaching the Civil Court under Section 34 of the Arbitration Act. The petitioner is always at liberty to pursue his remedies before the appropriate forum.

5. In view of the above discussion, the Writ petition is, hereby, disposed off.

6. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

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