

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9925 of 2017

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Ajeet Kumar Son of Dhanushdhari Pandey, Proprietor of M/s Ganpati Rice Mill, Bara Pandeya Roh, P.S.- Roh, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Managing Director, Bihar State Food and Civil Supplies Corporations Limited, Patna.
3. The District Manager, State Food Corporation Limited, Nawada.
4. The District Magistrate and Collector, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Adv. Mr. Rabish Kumar, Adv. Ms. Priyanka Kumari, Adv.
For the Respondent/s	:	Mr. Arvind Ujjwal-SC-4 Mr. Shailendra Kr. Singh, Adv. Mr. Utkarsh Utpal, Adv.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 22-07-2025

1. Heard the Learned counsel for the parties.
2. The Writ petition is filed challenging the order dated 24.03.2017 passed in the Arbitration Case No. 11(M)/2016 by the Arbitrator i.e. District Magistrate and Collector, Nawada (respondent No. 4) for the reason that the said appointment of arbitrator vide Clause-16 of the deed of Agreement is in itself violative of Section 12(5) of the Arbitration and Conciliation (Amendment) Act, 2015 and also is



against the provision as enshrined under Entry-1 of the Seventh Schedule of Arbitration and Conciliation (Amendment) Act, 2015, and therefore, the arbitration award under challenge is bad in law and has no legal stands.

3. During the course of arguments, it was contended by the learned counsel for the petitioner 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.

4. 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.



5. The Learned counsel for the petitioner 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.

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

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

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.07.2025
Transmission Date	

