

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10371 of 2017

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Rajesh Kumar Son of Badri Singh, Proprietor of M/S Maa Shakti Rice Mill,
P.S.- Warisliganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
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.
For the Respondent/s	:	Mr. S. Raza Ahmad- AAG-5
		Mr. Shailendra Kr. Singh, Adv.
		Mr. Utkarsh Utpal, Adv.

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

3 22-07-2025 1. Heard the Learned counsel for the parties.

2. The Writ petition is filed challenging the order dated 29.03.2017 passed in the Arbitration Case No. 03(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. On perusal of the record, it is evident that the Award has been passed by the District Magistrate and Collector of Nawada which is under challenge. 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. In such view of the matter, the Writ petition is not maintainable. However, the petitioner is at liberty to challenge the Award before the competent Principal Civil Court under Section 34 of Arbitration and Conciliation Act.

5. With the foresaid observations, the Writ



petition stands disposed of

(G. Anupama Chakravarthy, J)

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