IN THE HIGH COURT OF JHARKHAND AT RANCHI
Arb. Appeal No. 02 of 2020

The State of Jharkhand, Rural Development Department (Rural Works Affairs) through Mr. Jitendra Paswan, S/o-Late Kameshwar Paswan, posted as Executive Engineer, Rural Development special Division, Deoghar, P.O.& P.S. & District- Deoghar, Jharkhand-814112

.... Appellant

Versus

M/s Modi Project Limited, Kanke Road, Ranchi, Sub-Division and P.O. & P.S.-Kanke, District-Ranchi, Jharkhand-834006

… …. Respondent

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellant : Mr. Navneet Toppo, Advocate
Mr. Manoj Kumar, Advocate
Mr. Prabhash. Ch. Sinha, Advocate

For the Respondent : Mr. Shresth Gautam, Advocate
Mr. Yogendra Yadav, Advocate
Mr. Omprakash, Advocate

Order No. 05 / Dated : 09.04.2025.

Learned counsel for the appellant seeks further eight weeks' time for removing the surviving defects for furnishing the certified copy of the impugned order.

It is submitted by Mr. Shresth Gautam, learned counsel for the respondents that the prayer for eight weeks' time has not been made in good faith which is evident from the past conduct and the manner in which this appeal has been conducted.

This appeal is arising out of the judgment passed in O.S. No. 38 of 2017 on 01.10.2019 by which the arbitral award of the sole arbitrator dated 13.04.2016 was confirmed under Section 34 of the Arbitration and Conciliation Act, 1996. The appeal was filed with defects on 22.01.2020 and the defects were not removed despite sufficient time given by the Lawazima Board.

Further, a pre-emptory order was passed by the Co-ordinate Bench of this Court on 23.03.2021, but still the certified copy of the impugned order could not see light of the day and defect nos. 1 and 2 were not removed.

Consequently, appeal was dismissed, and against the said order of dismissal C.M.P. No. 209 of 2023, was filed which was also prosecuted in a

lackadaisical manner and resultantly said civil misc. petition was also dismissed for default.

C.M.P. No. 694 of 2024 was filed to retore C.M.P. No. 209 of 2023 which was then restored. After restoration of C.M.P. No. 209 of 2023, specific direction was given to remove the defects within four weeks from the date of order on 07.03.2025. The said order has not been complied with and learned counsel for the appellant seeks further adjournment of eight weeks for removing the surviving defects.

Non-compliance and seeking eight weeks' adjournment, speaks volume about the intent and casualness in which the present Arbitration Appeal is being prosecuted by the State.

Prayer for adjournment made in I.A. No. 4216 of 2025 is rejected and the Arbitration Appeal is dismissed for non-compliance with the earlier order for removing the defects.

Let a copy of this order be sent to the Chief Secretary, Government of Jharkhand to apprise the manner in which the cases filed on behalf of the State is being prosecuted before this Court.

(Gautam Kumar Choudhary, J.)

AKT/Pawan/ -