

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15114 of 2025

=====

Ramesh Kumar S/o Hirdyanand Singh, Resident of Ward No. 4, Koilwar, P.O. and P.S.- Koilwar, District- Bhojpur- 802160.

... .. Petitioner/s

Versus

1. M/S Shriram Transport Finance Company Ltd. Representation through its Manager, Arrah Branch.
2. Kumar Abhay Parmar, Branch Manager, Shriram Transport Finance Company Ltd., Kalira Mod, P.S.- Arah Nawada, District- Bhojpur.
3. Regional Business Head, Shriram Transport Finance Company Ltd., Patna (Bihar).
4. Nirbhay Kumar, S/o Brij Bihari Prasad, Resident of Village- Koilwar, P.S.- Koilwar, District- Bhojpur, Pin- 802160.
5. The State of Bihar Through The Principal Secretary, Govt. of Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Mishra, Adv.
For the Respondent/s	:	Mr. Government Advocate (2)
		Ms. Renu Kumari, Adv.
For the State	:	Mr. Rajan Prakash, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 13-01-2026 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

“1. That this certiorari writ application is being filed for setting aside the ex-party order dated 09.10.2020 passed in Arbitration Case saab No.AR/11/2020 by the Arbitration Tribunal at Patna whereby and whereunder learned Vijay Kant Jha (Retd.) A.D.J. Sole Arbitrator Veena Mart Complex, Near Bandhan Bank Ashiyana Digha Road, Ashiyana, Patna-800025 has been made this



Arbitration Award as per letter dated 02.03.2020 in view of clause 15 of the Agreement for Arbitration to settle the dispute interms of loan-cum-Hypothecation Agreement with respect to the breach and violation of terms and condition mentioned in the agreement executed by the Borrower and guarantor in favour of the Chairman Company without giving full opportunity of hearing the respondent/petitioner which is violation of Natural Justice. Further in the nature of mandamus for issuance of direction to the company to settle the issue on compromised based.”

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner has approached this Hon’ble Court by way of the present writ petition challenging the award dated 09.10.2020. Learned counsel has stated that the authority without issuing any notice to the petitioner has passed the impugned award. Learned counsel has, therefore, prays this Hon’ble Court to set aside the award and remand the matter back to the arbitrator for passing orders afresh duly putting all the parties on notice and giving him an opportunity of filing their objections/ explanation.

4. *Per contra*, the learned counsel appearing on behalf of the Respondent No. 2 has vehemently opposed the very



maintainability of the present writ petition. Learned counsel has stated that the petitioner is having an alternative and effective remedy for filing a miscellaneous appeal under Section 34 of the Arbitration Act against the award dated 09.10.2020. Learned counsel submits that the petitioner can take all the grounds that he has raised in the miscellaneous appeal. Learned counsel has, therefore, prayed this Hon'ble Court to dismiss the present writ petition.

5. Having regard to the fact that the petitioner has an alternative and effective remedy of filing a miscellaneous appeal under Section 34 of the Arbitration Act against the award passed by the arbitrator, this Court is not inclined to entertain the present writ petition. The present writ petition is disposed of granting liberty to the petitioner to approach the appropriate authorities/court under Section 34 of the Arbitration Act against the award dated 09.10.2020, if he is so advised.

6. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Gauravkr/-

U			
---	--	--	--

