

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15660 of 2016

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M/s. Mahadev Enclave Pvt. Ltd. S/o Sri Ram Singh resident of Village and Post- Deenwaladkhani Tehsil-Fatehpur, P.S. No. Fatehpur, District- Sikar Rajasthan

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary cum Commissioner, Department of Mines and Geology, Govt. of Bihar, Patna.
3. The Principal Secretary cum Commissioner, Department of Forest and Environment, Govt. of Bihar, Pat
4. The District Magistrate cum Collector, Nalanda.
5. The District Mining Officer, Nalanda.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 15673 of 2016

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M/s. Mahadev Enclave Pvt. Ltd. S/o Sri Ram Singh resident of Village and Post- Deenwaladkhani Tehsil- Fatehpur, P.S. No. Fatehpur, District- Sikar Rajasthan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Cum Commissioner, Department of Mines and Geology, Govt. of Bihar, Patna.
3. The Principal Secretary Cum Commissioner, Department of Forest and Environment, Govt. of Bihar, Pat
4. The District Magistrate Cum Collector, Banka.
5. The Mines Inspector, Banka.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 16875 of 2016

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M/s. Sainik Food Pvt. Ltd. son of Shri Mata Prasad Saxena resident of Mohalla Gandhi Nagar, Chand Kuan, Konch, District- Jallun Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Cum Commissioner, Department of Mines and Geology, Govt. of Bihar, Patna.
3. The Principal Secretary Cum Commissioner, Department of Forest and



- Environment, Govt. of Bihar, Pat
4. The District Magistrate Cum Collector, Bhagalpur.
 5. The Mines Development Officer, Bhagalpur.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 15660 of 2016)

For the Petitioner/s : Mr.Gautam Kumar Kejriwal, Advocate
For the State : Mr. Sunil Kumar Nandal, SC-3
Mr. Bipin Kumar, AC to SC-3

(In Civil Writ Jurisdiction Case No. 15673 of 2016)

For the Petitioner/s : Mr.Gautam Kumar Kejriwal, Advocate
Mr. Alok Kumar Jha, Advocate
Mr. Mukund Kumar, Advocate
Ms. Preety Choudhary, Advocate
Mr. Akash Kumar, Advocate

For the Respondent/s : Dr. Md. Ransul Haque, Advocate

(In Civil Writ Jurisdiction Case No. 16875 of 2016)

For the Petitioner/s : Mr.Gautam Kumar Kejriwal, Advocate
For the State : Mr. Sanjeet Kumar Singh, AC to AAG-6
For the Mines : Mr. Naresh Dikshit, Spl. P.P.
Mr. Brij Bihari Tiwari, Advocate
Ms. Shruti Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 13-01-2026 Heard leaned counsel for the petitioners; learned
counsel for the State and learned counsel for the Mining
Department.

2. In these writ petitions, the issue raised is regarding
the demand liability of the petitioners, who are all settlees of
sand mines, to pay the remainder installment for the relevant
period, which is contested in view of the condition imposed in
the Environment Clearance that no river sand mining was
permitted during the rainy season, i.e., the period between July
and September by the Bihar State Level Environment Impact



Assessment Authority.

3. A Similar matter was decided by the Division Bench of this Court in ***Letters Patent Appeal No.1942 of 2016, titled as 'M/s Aditya Multicom Private Limited vs. The State of Bihar and Ors.'*** which was taken to the Hon'ble Supreme Court by the State of Bihar in ***Civil Appeal No(s). 12036 of 2016***, titled as '***State Of Bihar & Ors Vs M/s. Aditya Multicom Pvt. Ltd. & Anr.'***

4. The learned Counsel for the petitioners submits that, the present petitioners have preferred Intervention Applications in the aforesaid Civil Appeal No. 12036 of 2016, before the Hon'ble Supreme Court. The petitioner-M/s Mahadev Enclave Pvt. Ltd. who is the petitioner in two of the present writ petitions i.e., C.W.J.C. No. 15660 of 2016 and C.W.J.C. No. 15673 of 2016, had preferred an intervention application, i.e., I.A. No. 02 of 2017 in the Civil Appeal No. 12036 of 2016 before the Hon'ble Supreme Court, which was directed to be listed along with the aforesaid Civil Appeal No(s). 12036 of 2016. Similarly, the petitioner in C.W.J.C No. 16875 of 2016, namely, M/s Sainik Food Pvt. Ltd. had also preferred intervention applications I.A. Nos. 152434 & 152437 of 2021 (Intervention & Direction) in the aforesaid Civil Appeal No(s).



12036 of 2016 before the Hon'ble Supreme Court.

5. The order dated 13.11.2025 passed by the Hon'ble Supreme Court in Civil Appeal No(s). 12036 of 2016, reads as under :-

“The applications for intervention are dismissed.

The short issue for consideration in the present appeal is as to whether the Division Bench of the High Court ought to have passed the impugned order on merits, in view of the existence of an arbitration clause.

Learned counsel appearing for the parties submit that this Court can appoint an Arbitrator to go into the issues both on facts and on law.

Considering the submission made by the learned counsel appearing for the parties, we request Hon'ble Mr. Justice Chandramauli Kumar Prasad (Retd), former Judge of this Court, to act as the learned Arbitrator.

The learned Arbitrator is at liberty to fix his own fee.

We make it clear that the question of limitation shall not arise. We request the learned Arbitrator to initiate the arbitration proceedings within a period of four weeks from the date of receipt of a copy of this order.

Liberty is granted to the intervener(s) to seek appropriate orders in the pending writ petition(s) preferred by them, before the High Court.

Accordingly, the impugned order is set aside and the appeal stands disposed of.

Pending application(s), if any, shall also stand



disposed of.”

6. From the afore-quoted order dated 13.11.2025, passed by the Hon’ble Supreme Court, it appears that liberty was granted to the intervenors therein i.e., the present writ petitioners to seek appropriate orders in the pending writ petitions preferred by them before this Court. Accordingly, the present petitioners have pressed for appointment of Arbitrator, in their respective cases, in view of the order dated 13.11.2025 passed by the Hon’ble Supreme Court.

Present Petitioner before this Court	Intervention Application preferred before the Hon’ble Supreme Court in Civil Appeal No. 12036 of 2016	I.A. preferred before this Court in pursuance of the liberty granted by the Hon’ble Supreme Court <i>vide</i> order dated 13.11.2025 passed in Civil Appeal No(s). 12036 of 2016
M/s Mahadev Enclave Pvt. Ltd – Petitioner in C.W.J.C. No. 15660 of 2016 and 15673 of 2016	I.A. No. 02 of 2017	I.A. No. 02 of 2025 in C.W.J.C. No. 15660 of 2016
M/s Sainik Food Pvt. Ltd – Petitioner in C.W.J.C No. 16875 of 2016	I.A. Nos. 152434 & 152437 of 2021	I.A. No. 01 of 2025 in C.W.J.C. No. 16875 of 2016

7. At this stage it is duly noted that the instant petitioner-company- M/s Mahadev Enclave Pvt. Ltd in C.W.J.C No. 15660 of 2016 had preferred an I.A. No. 02 of 2017 in Civil Appeal No. 12036 of 2016 before the Hon’ble Supreme Court,



which is the very same petitioner company in C.W.J.C No. 15673 of 2016, before this Court. As already noted, the Hon'ble Supreme Court *vide* order dated 13.11.2025 had directed for Arbitration in such similar matters.

8. Learned counsel for the State and the Mining Department have opposed the prayer of the petitioner and has submitted that since there is no arbitration clause in the agreement between the parties, this Court should not interfere.

9. The submission of the Mining Department and the State was considered by the Hon'ble Supreme Court and thereafter the afore-quoted order dated 13.11.2025 was passed in which liberty was granted to the petitioner to seek appropriate orders in the pending writ petitions preferred by them before this Court and Hon'ble Mr. Justice Chandramauli Kumar Prasad, a retired Judge of the Hon'ble Supreme Court was appointed as Arbitrator by the Hon'ble Supreme Court in that case.

10. Having considered the submissions of the parties and considering the observation of the Hon'ble Supreme Court, I am of the view that this matter also requires to be referred for Arbitration.

11. Accordingly, this Court appoints the following persons as the learned Sole Arbitrator to adjudicate the



respective disputes between the parties as mentioned hereunder, subject to the consent of the respective learned Sole Arbitrators in terms of the provisions under section 11(8) read with section 12(1) of the Arbitration and Conciliation Act, 1996 :-

Writ Petitions	Learned Arbitrator
1. C.W.J.C No. 15660 of 2016 titled as M/s. Mahadev Enclave Pvt. Ltd vs. State of Bihar & Ors	Hon’ble Mr. Justice Chakradhari Sharan Singh , former Chief Justice of the Orissa High Court
2. C.W.J.C No. 15673 of 2016 titled as M/s. Mahadev Enclave Pvt. Ltd vs. State of Bihar	Hon’ble Mr. Justice Shyam Kishore Sharma , former Judge, Patna High Court
3. C.W.J.C No. 16875 of 2016, titled as ‘M/s Sainik Food Pvt. Ltd. vs State of Bihar and Ors.’	Hon’ble Mr. Justice Birendra Kumar , former Judge, Rajasthan High Court.

12. The learned Arbitrators are given liberty to fix their own respective fees as per the Schedule-4 of the Arbitration and Conciliation Act, 1996.

13. It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim(s), any other preliminary objection, as well as claims/counter-claims and merits of the dispute of the parties, are left open for adjudication by the learned arbitrators. It is however, made clear that, in terms of the afore-quoted order dated 13.11.2025 passed by the Hon’ble Supreme Court, the question of limitation shall not arise.



14. The learned Arbitrators are requested to initiate the arbitration proceeding within a period of four weeks from the date of production of a copy of this order.

15. The office is also directed to forward a copy of this order to the respective learned Arbitrators.

16. The parties are also given liberty to produce this order before the respective learned Arbitrators.

17. Since the seat of Arbitration in the similar case, i.e., in the case of M/s Aditya Multicom Pvt. Ltd. is in Patna, therefore the seat of Arbitration in the present cases shall also be Patna.

18. Photocopies of the orders of the Hon'ble Supreme Court dated 13.11.2025 passed in Civil Appeal No. 12036 of 2016 and the copy of the I.A. in Civil Appeal No. 12036 of 2016 filed before the Hon'ble Supreme Court are taken on record.

19. The present petitions stand disposed of in the above terms. Pending Interlocutory application(s) also stands disposed of.

(Sandeep Kumar, J)

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