

IN THE HIGH COURT OF JUDICATURE AT PATNA
COMMERCIAL APPEAL No.11 of 2024

1. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Khadya Bhawan, R. Block, Patna.
2. The District Manager, The Bihar State of Food and Civil Supplies Corporation, District Rohtas.

... .. Appellants

Versus

1. M/s Guptaji brothers Rice Mill Pvt. Registered Office at Bank, through its Director Sri Rajiv Ranjan Kumar, Son of Ganesh Prasad Gupta resident of New Sidhauri, Dalmianagar, District Rohtas.
2. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
3. The District Collector, Rohtas at Sasaram.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Anjani Kumar, Senior Advocate Mr. Shailendra Kumar Singh, Advocate
For the Respondent State:		Mr. S.Raza Ahmad, Senior Advocate, AAG-5
For the Respondent No.1:		Mr. Jai Vardhan Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 04-02-2026

Heard learned counsel for the parties.

2. The matter has been heard at length. There are some peculiar facts of the case. After passing of the award, which is under execution, the respondent No.1 has entered into a kind of settlement with the appellants. In this regard, the affidavits of the respondent No.1 have been placed before this Court. It has also been informed that the respondent No.1 had deposited a sum of Rs.78,00,000.00 approximately with the appellants and has



obtained no objection certificate in order to restore its business with the appellants.

3. Keeping in view these peculiar facts and circumstances, learned counsel for the respondent No.1 submits that for the present respondent No.1 would not press the execution case being Execution Case No. 150 of 2023 pending before the Court of learned Principal District and Sessions Judge, Rohtas at Sasaram, and shall await the decision of the competent court on the application under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act of 1996') preferred by the appellants.

4. Mr. Anjani Kumar, learned Senior Counsel for the appellants, submits that the appellants have challenged the award before the competent court giving rise to Miscellaneous Case No. 101 of 2019 pending in the Court of learned Civil Judge (Senior Division)-I, Civil Court, Patna. The next date fixed in the matter is 21.02.2026. The respondent No.1 has already entered appearance in the said case, therefore, on the next date, he will make a request to the court to hear and dispose of the application under Section 34 of the Act of 1996 at the earliest.

5. Mr. Jai Vardhan Narayan, learned counsel for respondent No.1, submits that he will cooperate in hearing of the matter before the court.



6. Mr. Jai Vardhan Narayan, Advocate, has brought to the notice of this Court that only because the respondent No.1 has filed the execution case, despite having a no objection certificate in its hand, his firm is not being considered for tagging.

7. Mr. Anjani Kumar, learned Senior Counsel representing the appellants, submits on the instructions of Mr. Shailendra Kumar Singh, Advocate, that if the respondent No.1 is otherwise entitled to be considered, he shall not be deprived of the tagging only for the reason of pendency of the proceeding of the execution case.

8. In the aforesaid view of the undertaking given by the respondent No.1 not to proceed with the execution case for the present, we find no reason to proceed with the present appeal.

9. This appeal is disposed of.

(Rajeev Ranjan Prasad, J)

(Praveen Kumar, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.02.2026.
Transmission Date	N/A

