
(2018) 08 PAT CK 0080

In the Patna High Court

Case No : Request Case No. 206, 252, 254 Of 2017

Jai Shankar Singh And Ors

APPELLANT

Vs

Managing Director, Bihar State Food And Ors

RESPONDENT

Date of Decision : 18-08-2018

Acts Referred:

Arbitration And Conciliation Act, 1996 — Section 11(5)

Citation : (2018) 3 PLJR 1006

Hon'ble Judges : Mukesh R. Shah, CJ

Bench : Single Bench

Advocate : Ashok Kumar Mishra, Shailendra Kr. Singh, Sanjan Kumar Sharan, Dr. Kishlay, Sunil Kumar Singh

Final Decision : Allowed/Disposed Of

Judgement

1. All these petitions/matters are placed before the Court today in the light of the certain developments that have taken place after orders passed by

the Honâ??ble Supreme Court dated 29.01.2018 in Special Leave to Appeal (C) No. 450 of 2018.

1.1 All these applications were seeking constitution of an Arbitral Tribunal in the matter of dispute that has arisen between the applicants and the

respondent-Bihar State Food and Civil Supplies Corporation in the matter of supply of food grain and other products. It appears that earlier after

hearing detailed argument and various objections, this Court appointed Arbitrators in more than 200 cases and the learned Arbitrators were seized of

the matter. However, in the meanwhile, the Corporation approached the Honâ??ble Supreme Court by Special Leave to Appeal (C) No. 450 of 2018

and by a detailed order passed on 29.01.2018, the Honâ??ble Supreme Court though upheld the order passed by this Court in the matter of

constituting an Arbitral Tribunal and referring the matter for arbitration, but directed that not more than ten cases should be allotted to a single

Arbitrator. As a consequence of the aforesaid order passed in cases where the arbitrators appointed by this Court on earlier occasions were allotted

more than ten cases, they returned the files to this Court after retaining ten cases for hearing of the matter. That is why, now present petitions are

placed before this Court for fresh order for appointment of the Arbitrator.

2. Having heard learned counsel appearing on behalf of the respective applicants and the respondent-Corporation and considering the earlier common

order passed by this Court dated 08.09.2017 and the order dated 29.01.2018 passed by the Honâ??ble Supreme Court and also the subsequent order

passed by this Court in Request Case No. 118 of 2017 and other orders, all these applications are allowed. Shri Bipin Bihari Singh, District Judge

(Retired) is, hereby, appointed as an Arbitrator to deal with the issue in question, subject to the Registry obtaining the appropriate declaration from the

sole Arbitrator, as required, under Section 11(5) of the Arbitration and Conciliation Act, 1996 as amended from time to time, to be obtained this from

three weeks from today and such declaration be placed on record in each of the present proceeding. All these applications are ALLOWED,

accordingly. Considering the order passed by the Honâ??ble Supreme Court, dated 29.01.2018 in Special Leave to Appeal (C) No. 450 of 2018, it is

observed that the learned Arbitrator to conclude the arbitration proceeding on day to day basis within a period of three months from the date of the

first hearing which shall begin within a period of two weeks from the date of furnishing the declaration as above. It is also made clear that pendency

of arbitration proceedings will not affect criminal proceedings, including the investigation. All the arbitration proceedings will be carried out at Patna.

All contentions available under the law to the parties before the arbitrator are left open to be gone into by the Arbitrator in accordance with law. All

concerned are directed to co-operate the learned Arbitrator in finalizing the decision and disposing of all the arbitration proceedings at the earliest

within a period, observed hereinabove. With this observation and direction, all these applications are allowed/disposed of.