

**(2020) 12 PAT CK 0106**

**Patna High Court**

**Case No:** Letters Patent Appeal No. 2190 Of 2015, 127 Of 2016, Civil Writ Jurisdiction Case No. 1344 Of 2014, Miscellaneous Jurisdiction Case No. 2114 Of 2014

Spml Infra Ltd And Anr

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

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**Date of Decision:** Dec. 11, 2020

**Hon'ble Judges:** Sanjay Karol, CJ; Partha Sarthy, J

**Bench:** Division Bench

**Advocate:** Y.V. Giri, Ashish Giri, Vikash Kumar

**Final Decision:** Disposed Of

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### **Judgement**

Both the appeals are directed against the judgment and order dated 26.11.2015, passed in C.W.J.C. No. 1344 of 2014, titled as SPML Infra Ltd. &

Anr. Vs. The State of Bihar & Ors., and M.J.C. No.2114 of 2014, titled as SPML Infra Ltd. & Anr. Vs. Sri Gopal Singh & Anr., by a learned single

Bench of this Court.

The controversy stands narrowed down with the efforts put in by the learned counsel representing the parties, which efforts we fully acknowledge

and appreciate. The parties have now agreed to have the matter referred to the arbitration of a retired Honâ€™ble Judge of this Court. Also the order

of black-listing cannot be continued till infinity.

As such, the present petition is disposed of on the following mutually agreeable terms:

(a) The impugned order dated 26.11.2015, subject-matter of the present petition, is modified to the extent it black-lists the petitioner, if any, for infinity,

disabling the party from seeking participation in the tender to be issued for undertaking work/ of public contract in future. That part of the order for future would be rendered infructuous.

(b) All disputes emanating out of the agreement dated 1.4.2010 entered into between the parties to the lis, are referred to the arbitration of

Hon<sup>ble</sup> Mr. Justice Jyoti Saran <sup>Retd.</sup> (a former Judge of this Court). The proceedings shall be under the provisions of the Indian

Arbitration and Conciliation Act.

(c) The parties undertake to appear before the learned Arbitrator on 04.01.2021 and appraise him of the passing of the order. The learned Arbitrator

shall be entitled to fee as per the schedule prescribed in law.

(d) The learned Arbitrator shall enter reference and decide the disputes, i.e. the claims/counter claims filed by the parties on merits.

(e) Needless to add, since the disputes pertain to an agreement executed in the year 2010, the parties would fully cooperate and not take any

unnecessary adjournment and that the proceedings shall be concluded at the earliest.