

IN THE HIGH COURT OF JUDICATURE AT PATNA  
REQ. CASE No.12 of 2009  
PREM SINGH  
Versus  
THE STATE OF BIHAR & ANR  
with  
REQ. CASE No.13 of 2009  
PREM SINGH  
Versus  
THE STATE OF BIHAR & ANR  
with  
REQ. CASE No.14 of 2009  
PREM SINGH  
Versus  
THE STATE OF BIHAR & ANR

02/ 29.01.2010

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Heard learned counsel for the petitioner and learned  
counsel for the State.

2. In view of coming into force of the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008 (hereinafter referred to as 'the Act' for the sake of brevity ), learned counsel for the petitioner submits that these cases be transferred to the Bihar Public Works Contracts Disputes Arbitration Tribunal (hereinafter referred to as 'the Tribunal' for the sake of brevity ).

3. Learned counsel for the State of Bihar objects to the said submission claiming that there is no occasion for transfer of these cases to the Tribunal as these cases are not maintainable in view of the decision of the Full Bench of this Court in case of Shambhu Sharma vs. The State of Bihar & Ors., reported in 2009 (2) P.L.J.R. 1009, by which Clause 23 of the Standard Agreement had been held to be not an arbitration clause and hence on this basis no proceeding for arbitration can be initiated.

4. However, it is not in dispute that the provisions

of the aforesaid Act came into force in the year 2008 and the Tribunal became functional only in December, 2009 and hence the petitioner could not file any case before the Tribunal earlier and had to file these cases before this Court. .

5. In the said circumstances, learned counsel for the petitioner seeks permission to withdraw these cases in order to file fresh cases before the said Tribunal, which will decide these cases on merit of the claim of the respective parties and will also be at liberty to consider the maintainability and legality of such claim in view of special provisions of law as well as case laws.

6. In view of the aforesaid submissions, these cases are disposed of as withdrawn.

MPS/

( S. N. Hussain, J. )

