

Court No. - 19

Case :- CIVIL MISC. ARBITRATION APPLICATION No. - 71 of 2023

Applicant :- Amit Engineers Thru. Authorized Person Santosh Singh

Opposite Party :- Modern Coach Factory Office Of The Pcomm, Raebareli Thru. G.M.

Counsel for Applicant :- Shailendra Kumar Misra, Prashant Chaurasia, Puneet Saxena

Counsel for Opposite Party :- A.S.G.I.

Hon'ble Jaspreet Singh, J.

Shri Ashwani Kumar Singh, learned counsel for the respondent has raised a preliminary objection regarding maintainability of the petition; inasmuch as the arbitration clause agreed between the parties especially where the condition of Section 12(5) of the Arbitration & Conciliation Act, 1996 is not waived by the parties as in the instant case and the quantum of claim is beyond rupees five lakh. The arbitration clause provides for a panel of three arbitrators. The petitioner has not nominated its party Arbitrator and has rushed before the Court without complying with his obligation of nominating its party arbitrator.

At this stage, learned counsel for the petitioner submits that he may be permitted to withdraw the petition with liberty to invoke the arbitration clause appropriately and if in future any need arises, he may be granted to liberty to approach this Court.

Having considered the aforesaid, the petition is dismissed with the aforesaid liberty.

Order Date :- 20.11.2023

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