

GAHC010050072024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/779/2024

S R ENGINEERING CONSTRUCTION
THROUGH GHANSHYAM DAS DHIMAN PARTNER, PO HALLESWAR,
DISTRICT SONITPUR ASSAM

VERSUS

THE COMMANDER WORKS ENGINEER AND ANR
PO DEKARGAON, TEZPUR, PRESENTLY TENGA-900194

2:The Garrison Engineer
The Garrison Engineer 859 EW

Advocate for the Petitioner : G D DHIMAN (PETITIONER

Advocate for the Respondent : DY.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

05.04.2024

1 Heard Mr. Ghanshyam Das Dhiman, who is appearing in person on behalf of M/s S.R. Engineering Construction, a partnership firm. Also heard Ms. A. Gayan, learned CGC appearing for the respondents.

2. The applicant in person submits that in pursuance to an application submitted by the petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "1996 Act"), Sri (Er.) Jadav Goswami had been appointed as the sole Arbitrator on 14.06.2023 in Arb.P. 7/2023 by this Court. However, Sri (Er.) Jadav Goswami has resigned from being an Arbitrator, vide letter dated 16.02.2024, which had been submitted to the Joint Registrar (Judicial), Gauhati High Court, with copies to the applicant and the respondents. The petitioner/applicant thus prays that another Arbitrator may be appointed in place of Sri (Er.) Jadav Goswami. The applicant in person had also made a prayer for appointment of one Ms. Momita Bora, Advocate-cum-Live Individual Member of Indian Council of Arbitration, which is however not acceptable to the respondents.

3. A. Gayan, learned CGC submits that the Arbitrator may be appointed from the Panel of Arbitrators dated 04.08.2023.

4. On considering the above facts, this Court appoints Sri Pradip Kumar Das, retired District & Sessions Judge, Assam, as Arbitrator to decide the dispute between the parties. The inability of the Arbitrator so appointed, if any, in terms of Section 12(5) and the 7th Schedule of the 1996 Act shall be decided by the Arbitrator, as and when they approach Sri Pradip Kumar Das.

5. The parties shall approach Sri Pradip Kumar Das, retired District & Sessions Judge, Assam on 21.05.2024.

6. I.A.(C) is accordingly disposed of.

JUDGE

Comparing Assistant