

GAHC010073512022



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

Case No. : Arb.P./14/2022

DURGA KRISHNA STORE PVT LTD
A COMPANY INCORPORATED UNDER THE COMPANIES ACT, 1956 HAVING
ITS REGISTERED OFFICE AT HOUSE NO. 377, 2ND FLOOR, CLUB ROAD,
SILCHAR-788001, CACHAR, ASSAM

VERSUS

THE UNION OF INDIA AND 2 ORS
REPRESENTED BY THE GENERAL MANAGER, N.F. RAILWAY, MALIGAON,
GUWAHATI-781011.

2:THE CHIEF ENGINEER/CON-I
N.F. RAILWAY
MALIGAON
GUWAHATI-781011.

3:THE FA AND CAO/CON
N.F. RAILWAY
MALIGAON
GUWAHATI-781011

Advocate for the Petitioner : MR. R HUSSAIN

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 26.06.2024

Heard Mr. R. Hussain, learned counsel for the petitioner. Also heard
Mr. S.K. Medhi, learned CGC appearing for the respondents.

2. By order dated 05.06.2024, after an elaborate discussion, the Court was inclined to propose the name of Honourable Mr. Justice Achintya Malla Bujor Barua, former Judge of this Court as the Sole Arbitrator to arbitrate all the disputes between the parties arising out of or in connection with the contract agreement dated 20.07.2018. Pursuant to the said order dated 05.06.2024, the petitioner has taken steps upon the honourable Sole Arbitrator for disclosure as required under Section 11(8) of the Arbitration and Conciliation Act, 1996.

3. The Court is in receipt of a disclosure statement by the proposed honourable Sole Arbitrator dated 24.06.2024, wherein it is indicated that he has no any past or present relationship with or interest in any of the parties or in relation to the subject matter in dispute, whether financial, business or professional or any other kind. It is also disclosed that as of date, no circumstances is noticed which may affect the ability to devote sufficient time to the arbitration nor any circumstances is noticed which may affect the ability to finish the entire arbitration within 12 (twelve) months.

4. In view of the said disclosure statement, which is accepted, this arbitration petition stands allowed by appointing Mr. Justice Achintya Malla Bujor Barua, former Judge of this Court to act as the Sole Arbitrator to arbitrate all the disputes between the parties arising out of or in connection with the contract agreement dated 20.07.2018.

5. The parties shall appear before the Sole Arbitrator on 20.07.2024, and await further instruction(s) from the Sole Arbitrator.

6. This arbitration petition stands allowed.

JUDGE