

GAHC010159672022



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

Case No. : Review.Pet./133/2022

M/S SIANG ENTERPRISE
REPRESENTED BY ITS SOLE PROPRIETOR SRI MARGO BAM, AGED
ABOUT 41 YEARS, S/O- SRI JUMMAR BAM, R/O- BASAR VILLAGE RAM,
P.O. AND P.S. BASAR, DIST. WEST SIANG ARUNACHAL PRADESH-791101.

VERSUS

THE UNION OF INDIA AND 2 ORS.
REPRESENTED BY THE CHIEF ENGINEER, SHILLONG ZONE, SPREAD
EAGLE FALLS, P.O. NONGLYER, SHILLONG-793011.

2:GARRISON ENGINEER
MILITARY ENGINEER SERVICES
ROWRIAH JORHAT PIN- 785005.

3:SHRI S S BANSAL
O/O- ADG (ARBITRATION) GENERAL CARIAPPA MARG CAMP
PUNE PIN- 411001

Advocate for the Petitioner : A W AMAN
Advocate for the Respondent : ASSTT.S.G.I.

Linked Case : Arb.P./2/2021

M/S SIANG ENTERPRISE
REPRESENTED BY ITS SOLE PROPRIETOR SRI MARGO BAM
AGED ABOUT 40 YEARS
S/O SRI JUMMAR BAM
R/O BASAR VILL. RAM
P.O. AND P.S. BASAR
DIST. WEST SIANG
ARUNACHAL PRADESH 791101

VERSUS

THE UNION OF INDIA AND 2 ORS
REPRESENTED BY THE CHIEF ENGINEER
SHILLONG ZONE
SPREAD EAGLE FALLS
P.O. NONGLYER
SHILLONG 793011

2:GARRISON ENGINEER
MILITARY ENGINEER SERVICES
ROWRIAH
JORHAT
PIN 785005

3:S S BANSAL
O/O ADG (ARBITRATION) GENERAL CARIAPPA MARG
CAMP PUNE PIN 411001

Advocate for : MR. S S S RAHMAN
Advocate for : C.G.C. appearing for THE UNION OF INDIA AND 2 ORS

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 23.04.2024

Heard Mr. K. N. Choudhury, learned senior counsel, assisted by Mr. S. Das, learned counsel, appearing on behalf of the review petitioner. Also heard Mr. H. Gupta, learned CGC, appearing on behalf of the respondents.

The petitioner by way of instituting the instant review petition, has prayed for a recall of the order, dated 01.08.2022, passed by this Court in Arb.P. No. 2/2021. This Court, vide order, dated 01.08.2022, basing on the consensus as arrived at in the matter by and between the parties, had disposed of the same requiring the respondent authorities to proceed immediately for appointment of a substitute arbitrator from amongst the MoD Panel of Arbitration (POA) within a period of 3 weeks from the date of passing of the order and thereafter, the

arbitration proceedings was directed to be commenced before the newly appointed arbitrator so appointed. Thereafter, in terms of the orders passed by this Court in Arb.P. No. 2/2021; the respondent authorities had appointed an arbitrator viz. Shri Ramesh Chandra on 16.08.2022.

Although, the present proceedings has been instituted by the review petitioner praying for recall of the order, dated 01.08.2022, passed by this Court in Arb.P. No. 2/2021, it is seen that there was a consensus arrived at between the parties for an appointment of a substitute arbitrator from amongst the MoD Panel of Arbitration(POA) as available in the matter. The only dispute in the matter was with regard to the person so identified by the respondent authorities.

During the course of consideration of this review petition; the parties have arrived at a consensus with regard to the name of Shri Widyoot Kumar Pradhan who had retired as a Chief Engineer, Mechanical Engineering(DRM) from the Indian Railways whose name figures in the panel of arbitrators as constituted by the Ministry of Defence, vide the communication, dated 07.02.2022.

In view of the consensus as arrived at by the parties in the matter and the agreement with regard to have Shri Widyoot Kumar Pradhan as the arbitrator in the dispute as involved in the present proceedings; this Court would not further examine the issues arising in the present proceedings and would, on the basis of the consensus as arrived at by and between the parties, close this review petition requiring the respondent authorities to appoint Shri Widyoot Kumar

Pradhan as the arbitrator in the matter within a period of 2(two) weeks from today. Thereafter, the arbitrator shall enter into the reference and the arbitration proceedings shall commence before the newly appointed arbitrator from the stage, the same was kept pending after the earlier arbitrator had withdrawn from the present proceedings.

With the above observations, this review petition stands disposed of.

JUDGE

Comparing Assistant