

GAHC010190772023



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

Case No. : Arb.P./26/2023

ABDUL JALIL SHEIKH
A REGISTERED GOVT. CONTRACTOR, HAVING ITS REGISTERED OFFICE
AT LALUKA, A.T. ROAD, P.O. MOHANAGHAT, DIBRUGARH 786008, ASSAM

VERSUS

UNION OF INDIA AND ANR
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF COMMUNICATIONS, GOVERNMENT OF INDIA, NEW
DELHI. NEW DELHI-1

2: THE EXECUTIVE ENGINEER
POSTAL CIVIL DIVISION
MEGHDOOT BHAWAN
GUWAHATI-781001
ASSAM

Advocate for the Petitioner : S.M. HASSAN

Advocate for the Respondent : D.Y.S.G.I.

Linked Case : Arb.P./28/2023

ABDUL JALIL SHEIKH
A REGISTERED GOVT. CONTRACTOR
HAVING ITS REGISTERED OFFICE AT LALUKA
A.T. ROAD
P.O. MOHANAGHAT

DIBRUGARH 786008
ASSAM

VERSUS

UNION OF INDIA AND ANR
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
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2:THE EXECUTIVE ENGINEER
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POSTAL CIVIL DIVISION
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GUWAHATI-781001

Advocate for : S.M. HASSAN
Advocate for : DY.S.G.I. appearing for UNION OF INDIA AND ANR

Linked Case : Arb.P./27/2023

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SECRETARY TO THE GOVERNMENT OF INDIA
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2:THE EXECUTIVE ENGINEER
POSTAL CIVIL DIVISION
THE EXECUTIVE ENGINEER
POSTAL CIVIL DIVISION
MEGHDOOT BHAWAN

GUWAHATI

Advocate for : S.M. HASSAN

Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

10.01.2024

Heard Shri B. Choudhury, learned counsel for the petitioner, who is the same in all these three petitions filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of arbitrator.

2. This Court had issued notice in these petitions and the respondents are represented by Shri H. Gupta, Ms. A. Gayan and Shri K. Gogoi, learned CGC respectively in these petitions.

3. The learned counsel for the petitioner has referred to the relevant Clause 25 which lays down the provision for resolution of disputes by way of arbitration.

4. Though, the learned counsel for the respondents had raised certain objections pertaining to the format of the claim and that the notice was not issued by the party and by the Advocate, such objections are not found to be substantial in nature and therefore this Court proposes to dispose of these petitions by appointment of an arbitrator. It may however be recorded that the learned counsel for the respondents are not opposing in principle for resolution of the dispute by the way prescribed in the contract.

5. After considering the facts and circumstances and also taking into consideration the relevant clause in the contract, the instant petitions are

disposed of by appointing Shri Justice B.P. Katakey (Retd.) of the Gauhati High Court to act as the arbitrator to resolve the dispute between the parties.

6. Consequently, the parties are required to approach the learned Arbitrator within a period of 2(two) weeks from today and on such appearance, the learned Arbitrator would fix the schedule in accordance with law and conduct the proceedings.

7. The petitions are accordingly disposed of.

8. Let a copy of this order be furnished to the learned Arbitrator by the Registry of this Court to do the needful.

JUDGE

Comparing Assistant