

GAHC030004322023



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

Case No. : Arb.P./1/2023

M/S RAVI GULGULIA
R/o Gaurav Bhawan, 2nd Floor
D.Neog Path, Anandanagar

G.S. Road, Guwahati 781005

VERSUS

Zoram Industrial Development Corporation Ltd. (ZIDCO) and 3 Ors
R/o Tuikual A,
J. Lalhmingliana Building
Aizawl - 796001 2:The Managing Director
Zoram Industrial Development Corporation Ltd. (ZIDCO)
Tuikual 'A'
J. Lalhmingliana Building
Aizawl

3:The State of Mizoram
Represented by the Chief Secretary to the Government of Mizoram
Aizawl

4:The Secretary
Commerce and Industries Department
Government of Mizoram
Aizawl

Advocate for the Petitioner : Mr. Gajanand Sahewalla, Sr. Adv.

Advocate for the Respondent : Ms. Mary Lalruatkimi Khiangte for R1

ORDER
BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

10.04.2024

Heard Mr. Lalfakawma, learned counsel for the petitioner as well as Mrs. Mary L. Khiangte, learned counsel for the respondent Nos. 1 to 4.

2. This is an application under Section 11 (6) of the Arbitration and Conciliation Act, 1996, herein after referred to as the 'Act', for redressal of the dispute between the parties pertaining to the Deed of Agreement dated 04.06.2009, executed between the petitioner and the Zoram Industrial Development Corporation Limited (ZIDCO), a Government of Mizoram undertaking, relating to the lifting of coal.

3. Mr. Lalfakawma, learned counsel for the petitioner submits that in terms of Clause 23 of the Deed of Agreement, an Arbitral Tribunal consisting of 3 Arbitrators were to be appointed. The petitioner had already appointed an Arbitrator of its choice and had requested the respondent ZIDCO to appoint an Arbitrator of its choice. However, the respondent ZIDCO did not appoint any Arbitrator and for which, the petitioner had to approach this Court.

4. The learned counsel for the parties submit that though Clause 23 of the Deed of Agreement provides that the dispute shall be settled by an Arbitral Tribunal consisting of 3 Arbitrators, the parties have agreed that the dispute between the parties can be settled by a lone Arbitrator, to be appointed by this Court.

5. In view of the consent of the parties that the dispute can be decided by a lone Arbitrator, this Court appoints Sh. R. Thanga, MJS (Retired) as lone Arbitrator, to decide the dispute between the parties. The name of Mr. R. Thanga is included in the Panel list of Arbitrators, who can be appointed as an Arbitrator in the Notification No. 99 dated 04.08.2023, issued by the Principal Seat of the Gauhati High Court.

6. The parties shall accordingly appear before the learned Arbitrator on 24.06.2024.

7. The Arbitrator would then have to inform the parties thereafter, as to whether he falls under any category specified in the 7th Scheduled of the Act making him ineligible to be appointed as Arbitrator, as provided in Section 12(5) of the Act.

8. The Arbitration Petition is accordingly disposed of.

JUDGE

Comparing Assistant