

HIGH COURT OF CHHATTISGARH, BILASPUR

ARBA No. 61 of 2016

- GPR Power Solutions (Pvt.) Ltd. Through Its General Manager, Plot. No. 76, VGN Mahalakshmi Nagar, Extension- V, IInd Main Road, Thirruverkadu, District- Chennai (Tamil Nadu).

---- Petitioner

Versus

- M/s Vandana Energy & Steel P Ltd. Vandana House, Plot No. 10/36, Civil Lines, Near Raj Bhawan, Raipur, District- Raipur, (Chhattisgarh).

---- Respondent

For Petitioner

Mr. Anup Majumdar, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

20/10/2016

1. Heard.
2. Invoking the provisions contained in Section 11(6) of the Arbitration and Conciliation Act, 1996 (in short "the Act, 1996"), the petitioner has moved this application for appointment of Arbitrator for resolving a dispute which has arisen between the parties in relation to the work order dated 22.04.2010 and 31.03.2010 for Yard Piping Package (Pipes, valves, fittings, expansion bellows, hume pipes etc.) for 35MW Thermal Power Plant at Chhurikhurd.
3. Indisputably, clause 11 of the purchase order contains an

arbitration clause providing that in case any dispute arises between the purchaser and supplier for design, scope etc., the decision of the Consultant shall be final, binding and acceptable to both the parties.

4. In the course of hearing of this application, it transpired that the petitioner has not moved before the Consultant before invoking Section 11(6) of the Act, 1996.
5. In view of the language of the arbitration clause, the petitioner is required to raise dispute before the Consultant and if no decision is taken, he may move again before this Court.
6. Let the petitioner raise the dispute before the Consultant within a period of one month. The Consultant shall thereafter proceed to resolve the dispute as has been empowered under clause 11 of the purchase order. If no decision is taken by the Consultant within a reasonable time, the petitioner would be at liberty to move again before this Court.
7. The writ petition is accordingly disposed of.

Sd/-

Judge

(Prashant Kumar Mishra)

Shyna