

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Arbitration Application No. 13 of 2006**

B.C.Naha Roy (Dead) Through LRs

1. Prabir Kumar Naharoy S/o Late Shri M.N.Roy aged about 68 years.
2. Ashim Naharoy S/o Shri M.N.Roy, Aged about 62 years.

----Petitioners**Versus**

SECL Through Chairman & Managing Director, Head Office, Seepat Road,
Bilaspur, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Mayank Chandrakar, Advocate.
For Respondent	:	Dr. N.K.Shukla, Senior Advocate with Ms. Priya Mishra, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****15/12/2016**

1. This is another unfortunate case wherein the application filed by the Petitioners for appointment of Arbitrator is pending for more than a decade.
2. The original Petitioner entered into a contract with the South Eastern Coalfields Limited for construction of 30 units B-Type Quarters. The Petitioner claims that he has not been paid full amount and some amount is due to him.
3. The stand of the Respondent is that the Petitioner has given a certificate stating that nothing is due to him. Secondly, it is alleged that the amount claimed by the Petitioner has not been quantified.
4. At the stage of application under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of Arbitrator, it is not necessary to quantify the claim. All that has to be shown is the disputes existing between the parties and that there is an arbitration clause in the agreement. There is no

dispute that there is an arbitration clause in the agreement. The main dispute is with regard to delay in payment.

5. Since a dispute has arisen between the parties, it has to be resolved by the Arbitrator. Therefore, I appoint Shri Justice V.K. Shrivastava, residing at Ware House Road, Vidhik Sewa Marg, Bilaspur, a retired Judge of High Court of Chhattisgarh, as Arbitrator in the case.
6. The Petitioners and the Respondent may file their claim/counter-claim before the aforesaid Arbitrator within a period of four weeks from today who is requested to dispose of the matter within the time prescribed in the Arbitration and Conciliation Act, 1996, as amended.
7. The parties are directed to appear before the Arbitrator on 19.01.2017.
8. Registry is directed to send a copy of this order to Shri Justice V.K. Shrivastava so as to reach within one week from today.
9. The petition is accordingly disposed of.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE