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HIGH COURT OF CHHATTISGARH, BILASPUR**ARBA No. 44 of 2015**

- M/s. Swift Intermedia Convergence Private Limited 301 Navneet Plaza, 5/2 Old Palasia, Indore (Madhya Pradesh) Through Branch Manager, Raipur Chhattisgarh

---- Applicant

Versus

1. Commissioner, Municipal Corporation Raipur Chhattisgarh
2. Executive Engineer, Municipal Corporation, Raipur Chhattisgarh

---- Respondents

For Applicant	:	Shri NK Vyas, Advocate
For Respondents	:	Shri H.B. Agrawal, Sr. Adv. with Ms. Itu Rani Mukherjee, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****26/04/2016**

1. This is an application under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (for short 'the Act, 1996') for appointment of arbitrator to resolve the dispute which has arisen between the parties in relation to the work of construction of Foot Over Bridge on built, operate and transfer basis at Jai Stambh Chowk, Raipur.
2. After hearing learned counsel for the parties and on perusal of the document, it appears that there is no dispute between the parties that a dispute in relation to the execution of the said contract has arisen between them. Clause VIII (iii) of the contract agreement dated 29.06.2011 provides for resolution of dispute by appointing an arbitrator under the Act, 1996.

3. Invoking the said arbitration clause, the petitioner served a notice to the respondent on 7-4-15, requesting Municipal Corporation to appoint arbitrator within 15 days, however, the Corporation having failed to appoint an arbitrator as directed under Clause VIII (iii), the present application under Section 11 (6) of the Act, 1996 has been moved for appointment of arbitrator.
4. Shri NK Vyas, learned counsel for the applicant would propose that the dispute may be referred for arbitration to Shri G.C. Bajpai, Retired District Judge, Janki Kutir, 23 Ravi Nagar, Raipur (C.G.). Shri H.B. Agrawal, learned senior counsel appearing for the respondent Municipal Corporation would agree to the said proposal.
5. In view of the above, Shri G.C. Bajpai is appointed as arbitrator. A letter informing the arbitrator about his appointment to adjudicate the dispute be sent by the Registry. The remuneration to be paid to the arbitrator shall be such as agreed by the parties in the presence of the arbitrator. The arbitrator is requested to resolve the dispute by passing an award within a period of one year as provided under the Act (as amended by Act No.3 of 2016).
6. The place of arbitration shall be at Raipur, subject, however, to sitting at any place with the consent of both the parties.

Sd/-

Judge
Prashant Kumar Mishra

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