

IN THE HIGH COURT OF JUDICATURE AT PATNA

Request Case No.20 of 2017

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M/s Modi Projects Ltd. having its corporate office at Kanke Road, Ranchi and registered office at 3rd floor, Shivani Apartment, 23, landsdown terrace, Near Deshpriya Park, Kolkatta through one of it's directors namely Pradip Kumar Modi, son of Late Sitaram Modi, resident of House No. 296 A, Amrud Bagan, P.O. Ranchi University, P.S. Gonda, District- Ranchi.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Rail Bhawan, New Delhi.
2. The General Manager, East Central Railway, Diggikalan, Hajipur.
3. The Chief Engineer, East Central Railway, Diggikalan, Hajipur.
4. The Deputy Chief Engineer (Con). East Central Railway, Dighaghat, Patna.
5. The Chief Administrative Officer (Con), East Cental Railway, Dighaghat, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Advocate

For the Respondent/s : Dr. Anand Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 05-07-2017

Having heard learned counsel for the parties and on consideration of the objection raised by the respondent Nos. 1 to 5, it is seen that this application under 11(6) of the Arbitration and Conciliation Act, 1996 was filed demanding constitution of an arbitral tribunal after the period of 120 days as contemplated under Section 64 (1) (i) of the agreement in question was over. The petitioner made a prayer for appointment of arbitrator on 19.12.2016 and the period available to the Railway for appointment of arbitrator was over on 19.03.2017 and this application was filed on 27.04.2017, i.e. beyond the



period of 120 days and, therefore, the objection of Railway administration that the arbitration sought for is beyond 120 days, it is premature having been filed before the period of 120 days is over is not correct. There being the dispute between the parties, the application is allowed and disposed of.

Justice Sri R. K. Datta, a retired Judge of this Court is appointed as arbitrator.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.07.2017
Transmission Date	

