

IN THE HIGH COURT OF JUDICATURE AT PATNA

Request Case No.87 of 2017

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Birbal Academy & Publications Pvt. Ltd. Through its Managing Director Dr. Birbal Jha, having its registered office at 1/48, Lalita Park, Laxmi Nagar, Vikas Marg, Delhi- 110092

.... Petitioner/s

Versus

Bihar Mahadalit Vikas Mission through its Mission Director Sachivalaya Vistarikaran Bhawan Block-3, Old Secretariat, Patna-Bihar also having office at Bihar Mahadalit Vikas Mission 5th Floor, Land Development Bank Building Buddha Marg, Frazer Road Area, Patna- 800001, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
Mr. Sushil Kumar Tekriwal, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 16-08-2017

None appears for the respondents even though served.

This application has been filed seeking constitution of an Arbitral Tribunal for resolving the dispute that has arisen between the parties in execution of various agreements entered into between them in the matter of execution of scheme for training with the aim of sharpening the skill of the deprived sections of the society. The agreement granted to the applicants by the mission in question



contemplates an arbitration clause, as is evident from Clause 22 of the agreement available at page 240 of the Paper Book. Identical clauses are available in all the agreements based on which the application has been filed.

Keeping in view the fact that inspite of demand made, the respondents have neither settled the claim of the petitioner nor referred the matter for arbitration as is contemplated in Clause 22 of the agreement in question which reads as under:-

“22. In case of any dispute or differences arising out of or in relation to this agreement either party by giving a clear notice of 30 days may be requested to the Mission Director of the BMVM to refer the dispute for arbitration of himself or any officer nominated by him in accordance with the provisions of Arbitration and Conciliation Act, 1996; the award of the Mission Director or the officer nominated by him in his behalf shall be final and binding on the parties. The parties shall not raise any objection on the ground that the Mission Director has dealt with the matter in his official capacity. Disputes may be referred to arbitration in accordance with the law relating to arbitration in India.”

Taking note of the fact that inspite of notice being issued and served, respondents have not raised any objection, this Court has no other option but to allow this application and constitute



an Arbitral Tribunal for resolution of the dispute.

Accordingly, Justice (Retd.) Samrendra Pratap Singh, a former Judge of this Court, is hereby appointed as Arbitrator to adjudicate the dispute between the parties.

(Rajendra Menon, CJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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