

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2363 of 2017

IN

REQUEST CASE No. 12 of 2016

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K E C D E L C O V A R A H A J V Through its Authorized Representative Shri Amarjeet Kumar Singh, son of Sri Hare Ram Singh, Resident of 1st Floor Building, 9-A, DLF, Cyber City, Phase III, Gurgaon -122002

.... Petitioner/s

Versus

1. The General Manager, East Central Railways, Hajipur
2. The Chief Administrative Officer/Con/North, ECR, Mahendrughat, Patna
3. The Chief Engineer/Con/North, ECR, Mahendrughat, Patna
4. The Deputy Chief Engineer/Con/IV, ECR, Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. P K Shahi, Sr. Advocate
Mr. Vikash Kumar, Advocate

For the Respondent/s : Mr. S D Sanjay, ASG
Mr. Kumar Manish, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 06-09-2017

This application has been filed seeking modification of an order passed on 10.5.2017 in Request Case No. 12 of 2016. Primarily the ground raised is to change the Arbitrator in view of the fact that the Railway Administration did not have the opportunity to indicate the name of the Arbitrator.

A retired Judge of this Court has been appointed as Arbitrator and there is nothing available on record to indicate that the mandate of the Arbitrator should be changed merely because the Railway Administration could not get opportunity to submit their option.



Apart from the aforesaid ground, various other grounds are raised to say that jurisdiction of this Court was invoked under Section 11(6) of the Arbitration & Conciliation Act, 1996 claiming that after the period of 120 days the dispute could be referred to arbitration as it contemplated under Clause 63 of the General Conditions of the Contract. However, it is seen that against the order passed by this Court, matter was agitated by the Railway Administration by filing Special Leave Petition before the Supreme Court and on 17.07.2017 the Hon’ble Supreme Court has dismissed the SLP as is evident from Annexure-R/4 on record. Once the SLP has been dismissed by the Supreme Court and further on petitioner’s own showing as per Annexure-R/5 the Arbitrator appointed by this Court has proceeded with the matter and the respondents have deposited the Arbitrator’s fee, now no further modification in the matter can be made by this Court.

This application is, therefore, dismissed.

(Rajendra Menon, CJ)

mrl

AFR/NAFR	NAFR
CAV DATE	N.A.
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