

IN THE HIGH COURT OF JUDICATURE AT PATNA

Request Case No.19 of 2016

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M/s. Agros Impex India Private Limited, a Company incorporated under the provisions of the Companies Act, 1956, having its registered office at 201, Composite House, 170, Prajapat Nagar, Opposite B-2, Gulmohar Park, New Delhi-110049, through its Project Manager, Om Prakash, son of Shri S.D. Pandey, resident of House No. 72, Nehru Nagar, Town & District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Transport, Government of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna
2. The Development Commissioner, Government of Bihar, Old Secretariat, Patna
3. The Transport Commissioner, Transport Division, Government of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate

For the Respondent/s : Mr.Ujjwal Kumar Sinha, A.C. to AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 10-05-2017

This application has been filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 seeking constitution of an Arbitral Tribunal for adjudication of the dispute between the parties.

An agreement was entered into between the parties in the matter of supply and affixation of High Security Registration Plate and in the execution of the agreement a dispute has arisen. Clause 2.14.3 of the agreement in question contemplates an arbitration clause for resolution of the dispute. When the claim of the petitioner for resolution of the dispute as per the arbitration clause was not considered, this application has been filed and in the counter affidavit filed, except for contending that after cancellation of the agreement of



the petitioner a new contractor has been appointed, nothing is indicated as to why the arbitration clause cannot be invoked and for resolution of the dispute between the applicant and the respondents an arbitrator be not appointed.

Merely because after cancellation of the agreement with the applicant a new contract has been given that cannot take away the right available to the applicant under the arbitration agreement.

Accordingly, there being no serious objection to the appointment of Arbitrator and the only objection raised being devoid of merit or substance has to be rejected, the application is allowed. Hon'ble Justice Sri R.K. Datta, a retired Judge of this Court is appointed as an Arbitrator for resolution of the dispute between the parties.

(Rajendra Menon, CJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	15.05.2017
Transmission Date	

