

IN THE HIGH COURT OF JUDICATURE AT PATNA
Request Case No.71 of 2017

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M/s Patel Engineering Ltd. a public Ltd. Company incorporated under the provisions of Companies Act, 1956 having its office at Plot no. 76, H. No.- 8-2-293/82/A/76, Road No. 9A, Jubilee Hills, Hyderabad 500033 through its Vice President and Authorized Signatory Manoj Kumar Agrawal, Son of Sri Narendra Kumar, Resident of B-4/155, Tapovan CHS Ltd., Siddharth Nagar, P.S. Goregaon (West), Mumbai- 400201.

... .. Petitioner/s

Versus

1. The Bihar State Road Development Corporation Limited having its registered office at Road Construction Department, Central Mechanical Work Shop Campus, Near Patna Airport, Sheikhpura, Patna Through its Managing Director.
2. The Chief General Manager, The Bihar State Road Development Corporation Limited having its registered office at Road Construction Department Central Mechanical Work Shop Campus, Near Patna Airport, Sheikhpura, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay, Sr. Advocate
		Ms. Priya Gupta, Advocate
		Mr. Alok Kumar Agrawal, Advocate
For the Respondent/s	:	Mr. Vikas Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

5 09-11-2017 Having heard learned counsel for the parties, it is seen that this application has been filed for constituting an arbitral Tribunal for resolving the dispute between the parties that have arisen in view of termination of a contract granted to



the petitioner in the matter of implementation of the Bihar State Highways Project No. 2.

Records indicate that initially an arbitral Tribunal was constituted but the mandate of the Arbitrator has been terminated and in view of the above, a fresh arbitral Tribunal has to be constituted.

Even though vide order passed on 09.08.2017 this Court had constituted an arbitral Tribunal by appointing Hon'ble Justice (Retd.) Sri Samarendra Pratap Singh as an Arbitrator but subsequently while hearing M.J.C. No. 3109 of 2017 it was pointed out that while referring the matter and constituting an arbitral Tribunal this Court has indicated for adjudication of the dispute. According to learned counsel for the applicant in fact there are four disputes pending between the parties out of which Dispute No. 4 is already with an arbitral Tribunal and therefore, the present dispute is with regard to Dispute Nos. 1, 2 and 3 between the parties.

Even though learned counsel for the respondents tried to indicate that there are no such dispute classified as Dispute Nos. 1, 2 and 3 and there is only one dispute pending but taking note of the material documents that came on record M.J.C. No. 3109 of 2017 for modification was allowed and it



was thought appropriate to reconsider the issue and take a decision as to whether any further clarification was required.

Having heard learned counsel for the parties today, this Court does find that in the claim raised by the petitioner originally and in various documents that have come on record reference are made to four disputes out of which it is indicated that one dispute is already pending consideration before an arbitral Tribunal constituted. In various documents that have come on record there are reference to three disputes being Dispute Nos. 1, 2 and 3. That being so, once this Court is referring the matter for adjudication to an Arbitrator, it is appropriate to give liberty to the parties to raise all the disputes before the Arbitrator which subsist and the respondents are granted further liberty to raise all objections as may be permissible under law before the Arbitrator so that the Arbitrator to be appointed by this order may look into various aspects of the matter and ensure that all disputes subsisting between the parties are resolved in the proceedings.

Accordingly, for resolving all the remaining disputes between the parties as indicated in the application as Dispute Nos. 1, 2 and 3 and granting liberty to the respondents to raise all such objections as may be permissible under law,



Honble Justice (Retd.) Sri Samarendra Pratap Singh is appointed as Arbitrator to proceed in the matter in accordance with law and adjudicate the dispute.

The application stands disposed of.

(Rajendra Menon, CJ)

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