

HIGH COURT OF CHHATTISGARH, BILASPUR

Arbitration Application No. 30 of 2014

- Maa Banjari Construction, A company incorporated under the Companies Act, 1956 having its Registered Office at Kalika Nagar, Kawardha (C.G.), Through its Partner Shri Dinesh Mishra, S/o Shri Ramkripal Mishra, aged about 42 years, R/o Kawardha, Distt. Kabirdham (C.G.)

---- Applicant

versus

- KMC Constructions Limited, A company incorporated under the Companies Act, 1956 having its Registered Office at Corporate House, Door No.1-80/40/SP/58-65, Shilpa Homes Layout, Gachibowli, Hyderabad – 500 032 (Telangana), Through its Vice President Shri Shashank Shekhar

---- Non-Applicant

For Applicant	:	Shri Rupesh Shrivastava, Advocate
For Non-Applicant	:	Shri Sourabh Dangi, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice

Judgment on Board

11.01.2017

1. The applicant has filed this application under Section 11 (6) of the Arbitration and Conciliation Act, 1996 for appointment of Arbitrator.
2. The parties entered into an agreement whereby the applicant was to work for improvement and widening of Narayanpur-Pali-Barshur Road. It is not disputed that a dispute has arisen between the parties. As per the terms of the agreement, contained in the contract itself, in case of disputes, each of the parties could nominate one-one Arbitrator and thereafter those Arbitrators were to appoint the 3rd Arbitrator. In case of failure to appoint 3rd Arbitrator, the IRC was to appoint 3rd Arbitrator.
3. This Court has suggested that it would be better if a sole Arbitrator is appointed. Learned counsel for the parties submit that they have no objection if a sole Arbitrator is appointed.

4. Since a dispute has arisen between the parties, it has to be resolved by the Arbitrator. Therefore, I appoint Shri Justice V. K. Shrivastava, residing at Vidhik Seva Marg, beside Uday Nursing Home, Ware House Road, Bilaspur, a retired Judge of High Court of Chhattisgarh, as Arbitrator in the case.
5. The Applicant and the Non-Applicant may file their claim / counter-claim before the aforesaid Arbitrator within a period of four weeks from today who is requested to dispose of the matter within the time prescribed in the Arbitration and Conciliation Act, 1996, as amended.
6. The parties are directed to appear before the Arbitrator on 20th February, 2017.
7. Registry is directed to send a copy of this order to Shri Justice V. K. Shrivastava so as to reach within one week from today.
8. The Arbitration Application stands disposed of.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE