

HIGH COURT OF CHHATTISGARH, BILASPUR**Arbitration Application No.17 of 2016**

Union of India through Deputy Chief Engineer (Con)/D&D South East
Central Railway, Bilaspur

---- Petitioner

Versus

M/s Gordhandas Govindram, Engineers & Contractors, a partnership
firm Redg Office-at 52, Jairam Complex, Sharda Chowk, Raipur (CG)
represented by Partner-Amrit G. Jadwani, S/o Late Gordhandas
Jadwani, Aged about 64 years, R/o-Ahmedji Colony, Raipur (CG)

---- Respondent

For Applicant	:	Mr.H.S.Ahluwalia, Advocate
For Respondent	:	Mr.Ashok Mishra, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

28/07/2017

1. This is an application under Section 11(6) read with Section 15(2) of the Arbitration and Conciliation Act, 1996 (hereinafter called as 'Act of 1996') for appointment of a member of Arbitral Tribunal.
2. Learned counsel for the petitioner would submit that Hon'ble Shri Justice V.K. Agrawal, Former Judge of the Madhya Pradesh High Court appointed as Presiding Arbitrator by order dated 9.5.2012 has now withdrawn as Presiding Arbitrator, therefore, substitute Arbitrator be appointed.
3. On the other hand, learned counsel for the respondent would submit that matter is pending since 2011 and initial arbitrator was appointed on 10.2.2011.

- 4.** I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and also gone through the record with utmost circumscription.
- 5.** Taking into consideration the fact that the Presiding Arbitrator has already withdrawn from the case and in view of the provisions contained in Section 12(5) of the Act of 1996 as amended, I hereby appoint Hon'ble Shri Justice V.K. Shrivastava, Former Judge, High Court of Chhattisgarh, resident of Ware House Road, Bilaspur, District Bilaspur, Chhattisgarh as the sole arbitrator to adjudicate the dispute that has arisen between the parties, in accordance with the provisions of the Act of 1996.
- 6.** Registry is directed to communicate this order to learned sole arbitrator-Hon'ble Shri Justice V.K. Shrivastava, Former Judge, High Court of Chhattisgarh forthwith to enable him to enter upon the reference and decide the matter as expeditiously as possible after complying with the provisions contained in Section 12(2) of the Act of 1996.
- 7.** The arbitration application stands disposed off.

Sd/-

(Sanjay K. Agrawal)

Judge

B/-