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HIGH COURT OF CHHATTISGARH, BILASPUR**Arbitration Application No. 50 of 2013**

Gammon India Limited, Gammon House, Veer Savarkar Marg, Prabhadevi, Mumbai 400 025 (Maharashtra) Through its Head Worker Survey, Shri J.L.Ashar, son of Shri L.P.Bhatia, Aged about 58 years, Resident of C-27, Navyug Mansion, Naushir Bharucha Marg, Mumbai 400 025 (Maharashtra)

----Applicant**Versus**

1. The State of Chhattisgarh, Through the Secretary, Government Public Work Department, Mantralaya, Raipur, Chhattisgarh.
2. The Executive Engineer, PWD B&R Division, Korba, Chhattisgarh.

---- Respondents

For Applicant	:	Shri Mukesh Sharma, Advocate.
For Respondent	:	Shri Y.S.Thakur, Additional Advocate General.

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****13/01/2017**

1. This is an application under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator.
2. The undisputed facts are that the Applicant-Company entered into a contract with the Respondent-State of Chhattisgarh whereby it was awarded a work of construction of road bridge across the river Hasdeo in Korba District. This work was completed. Disputes arose between the parties. The Applicant approached the Chhattisgarh Arbitration Tribunal (hereinafter called 'the Tribunal') constituted under the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983 as applicable to the State of Chhattisgarh. The Tribunal held that it had no jurisdiction to entertain the arbitration petition. The Applicant thereafter filed a writ petition before this Court praying that the order of the Arbitration Tribunal be set

aside and the Tribunal be directed to decide the dispute. This writ petition being W.P.(C) No. 6604 of 2004 was opposed by the State of Chhattisgarh and the same was dismissed. Thereafter, the Applicant has filed this application under Section 11(6) of the Act, 1996.

3. No doubt the agreement contains a clause that the arbitration has to be conducted by the employees of the Department. But in view of the amendment to the Arbitration and Conciliation Act, 1996, now no employee of the State Government can act as an Arbitrator.

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, a retired Judge of the High Court of Chhattisgarh, residing at Ware House Road, Vidhik Sewa Marg, Bilaspur, as Arbitrator in the case.

5. The Applicant and the Respondents 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 12th March, 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 is accordingly disposed of.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE