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HIGH COURT OF CHHATTISGARH, BILASPUR

Arbitration Application No. 89 of 2013

- G.V. Rathore, S/o Shri V. Rathore, aged 80 years, Occupation – Business, R/o Dinesh Medical, Station Road, Raipur (C.G.)

---- Applicant

Versus

1. The Managing Director, Chhattisgarh Tourism Board, Paryatan Bhawan, Indira Gandhi Road, Raipur (C.G.)
2. State of C.G., through Secretary, Chhattisgarh Tourism Department Mantralaya, Naya Raipur (C.G.)

---- Respondents

For Applicant	: Shri Siddharth Rathod, Advocate
For Respondent No.1	: Shri Abhishek Sinha, Advocate
For State /Respondent No.2	: Shri Y.S. Thakur, Addl. Advocate General

Hon'ble Shri Deepak Gupta, Chief Justice

Order on Board

16.01.2017

1. This application under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') has been filed by the applicant for appointment of Arbitrator.
2. The petitioner was awarded work for reconstruction of Project Hostel Machadoli, District – Korba. The petitioner claims that he has done the work of construction, but certain amounts were not paid to him. This question whether the amounts are due or payable to the petitioner can be decided by the Arbitrator. The petitioner has first approached this Court under Section 11(6) of the Act, but that application was rejected as pre-mature and a direction was given to the petitioner to first approach the Arbitration Board as well as the State Government in accordance with Clause 29 of the

Agreement. The petitioner did so by filing an application on 12.08.2013, copy of the application was also sent to the Secretary, Government of Chhattisgarh. The petitioner has not received any reply till date. The petitioner has raised a dispute and without going into the question whether the dispute is genuine or not, the dispute must be decided. The agreement contains an Arbitration Clause.

3. Therefore, I hereby appoint Shri Justice R. N. Chandrakar, residing behind Allahabad Bank, in front of Himachal Ice Factory, G.E. Raod, Ravigram, Telibandha, Raipur - 492006, a retired Judge of High Court of Chhattisgarh, as Arbitrator in the case.
4. The Petitioner 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. It is however made clear that this Court has not expressed any opinion on the merits of the case and the parties shall be at liberty to raise all the grounds available to them before the Arbitrator.
5. The parties are directed to appear before the Arbitrator on 19th March, 2017.
6. Registry is directed to send a copy of this order to Shri Justice R. N. Chandrakar so as to reach within one week from today.
7. The Arbitration Application stands disposed of.

Sd/-
(**Deepak Gupta**)
CHIEF JUSTICE