

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Arbitration Application No. 49 of 2016**

M/s Eagle Hunter Solution Ltd. Through its Executive Director 61 C,
Kalu Sarai, Sarvapriya Vihar, New Delhi- 110016

---- Applicant/Petitioner**versus**

1. Hind Energy & Coal Beneficiation (India) Ltd., 1st floor, Shri Sai Parisar, Vyavsayik Complex, Shrikant Verma Marg, Bilaspur (C.G.) 495001
2. Shri Sanjay Agrawal Managing Director 1st floor, Shri Sai Parisar, Vyavsayik Complex, Shrikant Verma Marg, Bilaspur (C.G.) 495001

---- Respondents

For Petitioner	:	Shri Ajay Kumar Dwivedi, Advocate
For Respondents	:	Shri Ashwarya Pandey, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****02/01/2017**

1. This is an application filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 by the Petitioner for appointment of Arbitrator.
2. The undisputed facts are that the parties entered into an agreement wherein the Petitioner M/s Eagle Hunter Solution Limited (EHSL) was given a work of providing security guards to Hind Energy & Coal Beneficiation (India) Limited at Bilaspur. According to the Petitioner full amount has not been paid to it and it is now claimed that a sum of Rs.11,60,740/- is due to the Petitioner. The Respondents do not deny the arbitration clause. It is further submitted that the Petitioner is inflating its claims. In the first notice given by the Petitioner only Rs.3,69,120/- was claimed and thereafter in the second notice

Rs.11,52,740/- was claimed and now in the third notice Rs.11,60,740/- was claimed. It is therefore urged that the claim is totally false. Whether the claimant is entitled to any amount is not for this Court to decide in this application. That has to be decided by the Arbitrator and this cannot be decided by this Court.

3. Therefore, invoking the jurisdiction under Section 11 (6) of the Arbitration and Conciliation Act, 1996, with the consent of the parties, I hereby appoint Shri K.R. Nair, learned Advocate of this Court, 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.
5. The parties are directed to appear before the Arbitrator on 06.02.2017.
6. Registry is directed to send a copy of this order to Shri K.R. Nair, Advocate so as to reach within one week from today.
7. The arbitration application stands disposed of.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE