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HIGH COURT OF CHHATTISGARH, BILASPUR

Arbitration Application No. 70 of 2016

- M/s Jagatpal Singh Head Office: T-5 Adarsh Nagar, Durg, Chhattisgarh, Through Its Proprietor Shri Jagatpal Singh, S/o Shri Harnarayan Singh, Aged About 62 Years, R/o T-5 Adarsh Nagar, Durg, Chhattisgarh, Police Station- City Kotwali, Post Office- Main Post Office, Durg, Chhattisgarh

---- Applicant

Versus

1. Indira Gandhi Krishi Vishwavidyalaya, Raipur Through The Vice Chancellor, Indira Gandhi Krishi Vishwavidyalaya, Labhandi On N.H.-6, Raipur, Police Station- Telibandha, Head Post Office Raipur, Tehsil Raipur, Civil & Revenue District- Raipur, Chhattisgarh 492001
2. The Registrar, Indira Gandhi Krishi Vishwavidyalaya, Labhandi On N.H.-6, Raipur, Police Station Telibandha, Head Post Office- Raipur, Tehsil- Raipur, Civil & Revenue District Raipur, Chhattisgarh 492001
3. The Executive Engineer, Indira Gandhi Krishi Vishwavidyalaya, Labhandi On N.H.-6, Raipur, Police Station Telibandha, Head Post Office- Raipur, Tehsil- Raipur, Civil & Revenue District Raipur, Chhattisgarh 492001
4. The Comptroller, Indira Gandhi Krishi Vishwavidyalaya, Labhandi On N.H.-6, Raipur, Police Station Telibandha, Head Post Office- Raipur, Tehsil- Raipur, Civil & Revenue District Raipur, Chhattisgarh 492001

---- Respondents

For Applicant	: Shri Saurabh Jain, Advocate
For Respondents	: Shri B.D. Guru, Advocate

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 undisputed facts are that the petitioner entered into a contract with Indira Gandhi Krishi Vishwavidyalaya, Raipur for construction of boys hostel at Indira Gandhi Krishi Vishwavidyalaya, Raipur. The work was completed and according to the petitioner he was entitled for certain amounts, which have not been paid by the respondents. The petitioner first approached the Arbitration Tribunal constituted under the M.P. Madhyastham Adhikaran Adhiniyam which is applicable to the State of Chhattisgarh. The said authority vide its order dated 28.04.2011 dismissed the reference holding that the dispute did not fall within the scope of Adhiniyam. Thereafter, the petitioner sent a letter on 28.06.2011 to the Vice Chancellor of the University appointing one Shri P. K. Jain as his Arbitrator and requested the respondents to appoint Arbitrator. When they did not do so, he filed a petition under Section 11(6) of the Act and the said petition has been dismissed as pre-mature on 26.07.2013 with a direction to the petitioner to take action under Clause 4.3.29.1 of the contract. Thereafter, the petitioner has filed present petition in the year 2016 for appointment of Arbitrator. The main objection is that after the last order was passed, the petitioner has not taken any steps in terms of Clause 4.3.29.1. As far as this aspect of the matter is concerned, even prior to the last order the petitioner had already approached the respondents for appointment of Arbitrator.
3. Be that as it may, this dispute has been pending for more than 21 years and for the last 12 years the petitioner is

knocking at the doors of justice for appointment of the Arbitrator. The least that can be done is to appoint an Arbitrator.

4. 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.
5. 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 it is for the Arbitrator to decide whether the claim is still within the limitation.
6. The parties are directed to appear before the Arbitrator on 19th March, 2017.
7. 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.
8. The Arbitration Application stands disposed of.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE