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HIGH COURT OF CHHATTISGARH, BILASPUR**Arbitration Application No. 39 of 2015**

M/s. Gulab Chand Jain Through Trihil Jain S/o Late Shri Vinod Jain, Aged about 29 years, R/o Parshva Apartment Choubey Colony, Raipur, Police Station Civil Lines, Tehsil and District Raipur, Chhattisgarh.

----Applicant**Versus**

1. The Municipal Corporation, Raipur, Through the Commissioner, Municipal Corporation, Raipur, Chhattisgarh.
2. The Zonal Commissioner, Municipal Corporation, Raipur, New Head Office, Near Gandhi Chowk, Raipur, Chhattisgarh.

---- Respondents

For Applicant	:	Shri Rahul Jha, Advocate.
For Respondent	:	Shri H.B.Agrawal, Senior Advocate with Smt. Itu Rani Mukherjee, Advocate.

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 is a partnership firm engaged in the business of construction of roads. It was awarded work of widening of road, construction of divider and plantation of the existing road from Fafadih Peeli Building to Mandi Road, in Raipur by the Respondents. According to the Applicant, it has done a part of the work awarded to it and then the contract was terminated by the Respondents. The claim of the Applicant is that the contract was illegally terminated.
3. As far as Respondents-Municipal Corporation is concerned, its stand is that the contract was rightly terminated because the Applicant did not perform his part

of the contract. Shri Agrawal, learned Senior Counsel states that in view of what has been stated in para 1.5, there is no dispute between the parties.

4. I am not at all in agreement with the aforesaid submission. If the entire petition is read as a whole, it is clear that the Applicant claims that he is entitled to payment for that amount of work which it had done. Whether the contract was terminated rightly or wrongly is not for this Court to decide in proceedings under Section 11(6) of the Act, 1996 and that is for the Arbitrator to decide. This by itself is a dispute arising out of the agreement and therefore, referable to an Arbitrator.

5. Since a dispute has arisen between the parties, it has to be resolved by the Arbitrator. Therefore, I appoint Shri Justice Rangnath Chandrakar, a retired Judge of the High Court of Chhattisgarh, residing behind Allahabad Bank, in front of Himachal Ice Factory, GE Road, Ravigram Telibandha, Raipur, as Arbitrator in the case.

6. 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.

7. The parties are directed to appear before the Arbitrator on 12th March, 2017.

8. Registry is directed to send a copy of this order to Shri Justice Rangnath Chandrakar so as to reach within one week from today.

9. The arbitration application is accordingly disposed of.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE