

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3495 of 2017

IN

Civil Writ Jurisdiction Case No. 4092 of 2014

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M/s. Kumar and Prabhakar Siddharth Triveni (JV), A joint venture having its office at 301, Anand Shree Apartment, Road No. 1, North Patel Nagar, Patna – 800 024 through its constituted attorney Alok Prabhakar, son of Late Sheo Nandan Prasad, resident of Anand Shree Apartment, Road No. 1, North Patel Nagar, P.S. Patliputra, District Patna.

.... Petitioner

Versus

1. The Union of India, Ministry of Railways through the General Manager, East Central Railway, having its office at Hajipur(Vaishali).
2. The Chief Administrative Officer(S), Construction-East Central Railway, Mahendrughat, Patna.
3. The Chief Engineer (S), East Central Railway, Mahendrughat, Patna.
4. The Deputy Chief Engineer, Construction, Rajgir, East Central Railway, having its office at Rajgir, Nalanda
5. The Chief Manager/Senior Manager, Punjab National Bank, East Gandhi Maidan Branch, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Alok Kumar Agrawal, Advocate Ms. Priya Gupta, Advocate
For the Railway	:	Mr. Anil Kumar Sinha, Advocate
For the PNB	:	Mr. Kumar Priya Ranjan, Advocate Mr. Niraj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-01-2018

The present petition has been filed for modification of the order dated 28.06.2016 passed in CWJC No. 4092 of 2014 for appointing a new Arbitrator in place of Hon'ble Mr. Justice Shyam Kishore Sharma (Retd.) for final conclusion of the arbitration proceedings.

2. Learned counsel for the petitioner submits that Hon'ble Mr. Justice Shyam Kishore Sharma was appointed as sole Arbitrator to adjudicate the dispute between the parties. Pursuant thereto arbitration proceeding



has commenced before him, but however, he was since appointed as the Chairman, Lokayukta, Bihar, upon which the proceeding was stopped for obtaining clarification whether he could proceed further in the arbitration proceeding.

3. It is therefore, submitted that a new Arbitrator be appointed for expeditious conclusion of the arbitration proceeding in the interest of justice.

4. Having regard to the nature of the prayer as well as in the backdrop of judgment dated 13.11.2017 passed in LPA No. 1547 of 2017 (Annexure-3), this Court is of the view that in the interest of justice, the judgment dated 28.06.2016 passed in CWJC No. 4092 of 2014 be modified only to the extent that in place of Hon’ble Mr. Justice Shyam Kishore Sharma, a new Arbitrator, namely, Hon’ble Mr. Justice Ramesh Kumar Datta, a retired Judge of this Court be appointed as sole Arbitrator to continue the arbitration proceeding from the stage from where it was left by the erstwhile learned Arbitrator.

5. The petition stands disposed of as above.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.01.2018
Transmission Date	NA

