

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12224 of 2017

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Aarpee Infra Project (P) Ltd., a company registered under the Companies Act, having its Registered Office at 606, Akashdeep Building, 26, Barakhamba Lane, Barakhamba Road, New Delhi through its Director Rajesh Kumar Garg, son of Sri Roshan Lal Garg, Resident of Metro Heights, 2nd Mile Sevoke Road, P.S. Siliguri, Town and District Siliguri (West Bengal)- 734001.

.... Petitioner/s

Versus

1. The State of Bihar, Department of Road Construction, Visheshwaria Bhavan, Bihar, Patna through its Principal Secretary.
2. The Principal Secretary, Department of Road Construction, Government of Bihar, Visheshwaraia Bhavan, Bihar, Patna.
3. The Engineer-in-Chief cum Additional Commissioner-cum- Special Secretary, Department of Road Construction, Government of Bihar, Visheshwaria Bhavan, Bihar, Patna.
4. The Chief Engineer (Comm.), North Bihar Road Division, Department of Road Construction, Government of Bihar, Patna.
5. The Superintendent Engineer, North Bihar Road Division, Department of Road Construction, Muzaffarpur at Muzaffarpur.
6. The Executive Engineer, Department of Road Construction, Road Division, Sitamarhi.
7. The Assistant Engineer, Department of Road Construction, Road Division, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s :	Mr. Alok Kumar Agrawal, Adv Ms. Priya Gupta, Adv Mr. Mohit Kumar Agrawal, Adv
For the Respondent/s :	Mr. Rakesh Kumar, JC to GP 19

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-07-2018

The present writ petition has been filed against termination of the contract of the petitioner during its currency; and for connected reliefs –

2. This Court is of the view that the dispute may be taken up



and settled through the forum of arbitration as contemplated in Clause 25 of the agreement between the parties which, *inter alia*, provides for conduct of arbitration in accordance with the Arbitration and Conciliation Act, 1996, as amended from time to time.

3. Learned counsel for the petitioner, in such eventuality, submits that the matter may be referred to arbitration by appointment of Hon’ble Mr. Justice Ramesh Kumar Datta, a retired Judge of this Court, his consent has been obtained by him. Learned counsel for the respondent-State has no objection in this behalf.

4. In the above circumstances, this Court appoints Hon’ble Mr. Justice Ramesh Kumar Datta, a retired Judge of this Court as Arbitrator to resolve the disputes between the parties. The petitioner shall approach the learned Arbitrator within a period of four weeks with statement of claims and the arbitration shall proceed in accordance with the provisions of the Arbitration and Conciliation Act, 1996.

5. It is made clear that the interim order granted in terms of this Court’s order dated 31.01.2018 shall continue until the matter is finally disposed of by the learned Arbitrator.

6. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.07.2018
Transmission Date	NA

