

IN THE HIGH COURT OF JUDICATURE AT PATNA
Request Case No.143 of 2018

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Sunil Industries, through its Proprietor Sri Sunil Kumar, Son of Sri Bhuneshwar Singh, Resident of Village and Post Office- Maker, Police Station- Maker, District- Jehanabad, at present residing at Anand Vihar Colony, Bhootnath Road, Police Station- Agamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through General Manager, East Central Railway, Hajipur.
2. Senior Divisional Engineer-(III), East Central Railway, Danapur.
3. Divisional Railway Manager East Central Railway, Danapur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 04-10-2018 Having heard learned counsel appearing on behalf of the respective parties and considering the material on record, nothing is on record that before request to refer the dispute to the Arbitrator, any proceeding was followed as required under Section 64 of the General Conditions of Contract 2008.

Under the circumstances and considering the order passed by this Court dated 28.04.2017, passed in Request Case No. 18 of 2017 (*M/s Land & Port Construction Private Limited Versus The Union of India & Anr.*), the present application can be said to be premature and, therefore, the same is dismissed with liberty to the petitioner to raise the claim and thereafter, if



nothing further is done, then seek appointment of Arbitral
Tribunal in accordance with law.

With this, the present application stands dismissed.

(Mukesh R. Shah, CJ)

Sunil/-s.shukla

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