

IN THE HIGH COURT OF JUDICATURE AT PATNA
Request Case No.130 of 2018

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M/s Indus Integrated Information Management Limited, a company incorporated under the Companies Act, 1956 having its registered office at AE- 369, Salt Lake, Sector 1, Kolkata through its Authorized Signatory Amit Kumar, son of Late Ayodhya Prasad Singh, resident of 101, R. J. Enclave, Road No. 12, Gokulpath, Patel Nagar, P.S. Shastri Nagar, District- Patna- 800023. Petitioner/s

Versus

1. Bihar Mahadalit Vikas Mission through its Mission Director, 2nd Floor, Block- III, Sachivalaya Extension Building, Old Secretariat, Patna- 800015.
 2. Mission Director, Bihar Mahadalit Vikas Mission, 2nd Floor, Block- III, Sachivalaya Extension Building, Old Secretariat, Patna- 800015.
- Respondent/s

with

Request Case No. 131 of 2018

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M/s Indus Integrated Information Management Limited, a company incorporated under the Companies Act, 1956 having its registered office at AE- 369, Salt Lake, Sector 1, Kolkata through its Authorized Signatory Amit Kumar, son of Late Ayodhya Prasad Singh, resident of 101, R.J. Enclave, Road No. 12, Gokulpath, Patel Nagar, P.S. Shastri Nagar, District- Patna- 800023. Petitioner/s

Versus

1. Bihar Mahadalit Vikas Mission through its Mission Director, 2nd Floor, Block- III, Sachivalaya Extension Building, Old Secretariat, Patna- 800015.
 2. Mission Director, Bihar Mahadalit Vikas Mission, 2nd Floor, Block- III, Sachivalaya Extension Building, Old Secretariat, Patna- 800015.
- Respondent/s

with

Request Case No. 132 of 2018

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M/s Indus Integrated Information Management Limited, a company incorporated under the Companies Act, 1956 having its registered office at AE- 369, Salt Lake, Sector 1, Kolkata through its Authorized Signatory Amit Kumar, son of Late Ayodhya Prasad Singh, resident of 101, R.J. Enclave, Road No. 12, Gokulpath, Patel Nagar, P.S. Shastri Nagar, District- Patna- 800023. Petitioner/s

Versus

1. Bihar Mahadalit Vikas Mission through its Mission Director, 2nd Floor, Block- III, Sachivalaya Extension Building, Old Secretariat, Patna- 800015.
 2. Mission Director, Bihar Mahadalit Vikas Mission, 2nd Floor, Block- III, Sachivalaya Extension Building, Old Secretariat, Patna- 800015.
- Respondent/s

with

Request Case No. 133 of 2018

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M/s Indus Integrated Information Management Limited, a company incorporated under the Companies Act, 1956 having its registered office at AE- 369, Salt Lake, Sector 1, Kolkata through its Authorized Signatory Amit Kumar, son of Late Ayodhya Prasad Singh, resident of 101, R.J. Enclave, Road No. 12, Gokulpath, Patel Nagar, P.S. Shastri Nagar, District- Patna- 800023. Petitioner/s

Versus

1. Bihar Mahadalit Vikas Mission through its Mission Director, 2nd Floor, Block- III, Sachivalaya Extension Building, Old Secretariat, Patna- 800015.
2. Mission Director, Bihar Mahadalit Vikas Mission, 2nd Floor, Block- III, Sachivalaya Extension Building, Old Secretariat, Patna- 800015.

... .. Respondent/s

with

Request Case No. 134 of 2018

M/s Indus Integrated Information Management Limited, a company incorporated under the Companies Act, 1956 having its registered office at AE- 369, Salt Lake, Sector 1, Kolkata through its Authorized Signatory Amit Kumar, son of Late Ayodhya Prasad Singh, resident of 101, R.J. Enclave, Road No. 12, Gokulpath, Patel Nagar, P.S. Shastri Nagar, District- Patna- 800023. Petitioner/s

Versus

1. Bihar Mahadalit Vikas Mission through its Mission Director, 2nd Floor, Block- III, Sachivalaya Extension Building, Old Secretariat, Patna- 800015.
2. Mission Director, Bihar Mahadalit Vikas Mission, 2nd Floor, Block- III, Sachivalaya Extension Building, Old Secretariat, Patna- 800015.

... .. Respondent/s

with

Request Case No. 135 of 2018

M/s Indus Integrated Information Management Limited, a company incorporated under the Companies Act, 1956 having its registered office at AE- 369, Salt Lake, Sector 1, Kolkata through its Authorized Signatory Amit Kumar, son of Late Ayodhya Prasad Singh, resident of 101, R.J. Enclave, Road No. 12, Gokulpath, Patel Nagar, P.S. Shastri Nagar, District- Patna- 800023. Petitioner/s

Versus

1. Bihar Mahadalit Vikas Mission through its Mission Director, 2nd Floor, Block- III, Sachivalaya Extension Building, Old Secretariat, Patna- 800015.
2. Mission Director, Bihar Mahadalit Vikas Mission, 2nd Floor, Block- III, Sachivalaya Extension Building, Old Secretariat, Patna- 800015.

... .. Respondent/s

with

Request Case No. 136 of 2018

M/s Indus Integrated Information Management Limited, a company incorporated under the Companies Act, 1956 having its registered office at AE- 369, Salt Lake, Sector 1, Kolkata through its Authorized Signatory Amit Kumar, son of Late Ayodhya Prasad Singh, resident of 101, R.J. Enclave,



Road No. 12, Gokulpath, Patel Nagar, P.S. Shastri Nagar, District- Patna-800023. Petitioner/s

Versus

1. Bihar Mahadalit Vikas Mission through its Mission Director, 2nd Floor, Block- III, Sachivalaya Extension Building, Old Secretariat, Patna- 800015.
2. Mission Director, Bihar Mahadalit Vikas Mission, 2nd Floor, Block- III, Sachivalaya Extension Building, Old Secretariat, Patna- 800015.

... .. Respondent/s

with

Request Case No. 137 of 2018

M/s Indus Integrated Information Management Limited, a Company incorporated under the Companies Act, 1956 having its registered office at AE-369, Salt Lake, Sector 1, Kolkata through its Authorized Signatory Amit Kumar, Son of Late Ayodhya Prasad Singh, Resident of 101, R.J. Enclave, Road No.12, Gokulpath, Patel Nagar, P.S.- Shastri Nagar, District- Patna-800023. Petitioner/s

Versus

1. Bihar Mahadalit Vikas Mission Through Its Mission Director, 2nd Floor, Block- III, Sachivalaya Extension Building, Old Secretariat, Patna- 800015.
2. Mission Director, Bihar Mahadalit Vikas Mission, 2nd Floor, Block- III, Sachivalaya Extension Building, Old Secretariat, Patna- 800015.

... .. Respondent/s

Appearance :

(In all the cases)

For the Petitioner/s : Mr. Sandeep Kumar, Advocate

For the Respondent/s : Mr. Rakesh Narayan Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 04-10-2018

1. All these applications have been filed by common applicant M/s Indus Integrated Information Management Limited invoking the jurisdiction of this Court under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the “Act”) to appoint a sole Arbitrator to resolve the dispute between the parties in connection with the respective agreements.

2. At the outset, it is required to be noted that by



order dated 11.07.2018 passed in Request Case No. 86 of 2018 and other allied request cases which were between the same parties but with respect to different agreements, this Court has appointed the sole Arbitrator to adjudicate the dispute between the parties.

2.1 Relying upon the said decision and the respective agreements between the parties which contain the arbitration clause in case of dispute between the parties, it is requested by learned counsel appearing on behalf of common applicant to appoint the sole Arbitrator in the present cases also.

2.2 Learned counsel appearing on behalf of the common respondents as such does not dispute that Clause 22 of the Agreements contemplates an arbitration clause. However, it is the case on behalf of the respondents that as fraud is alleged and F.I.R. is lodged, the dispute is non-arbitrable. The other objections raised in the counter are pertaining to the claim made by the applicant touching the dispute between the parties and, therefore, at this stage, in a proceeding under Section 11(6) of the Act, this Court is not required to go into the merits of the claim made, adjudicate it and pass an order.

3. Considering the fact that in similar set of circumstances and after the similar objection was raised, this



Court has referred the dispute between the parties to the sole Arbitrator Shri Sadanand Mukherjee, a former Judge of this Court, and similar disputes are now pending before the sole Arbitrator and considering the earlier orders passed by this Court in Request Case No. 86 of 2018 and other allied request cases, all these applications are allowed.

3.1. Finding there to be the dispute existing between the parties and an arbitration clause is in existence between the parties, a former Judge of this Court Shri Sadanand Mukherjee is hereby appointed as sole Arbitrator to adjudicate the dispute between the parties in the matters with the respective agreements. However, subject to his submitting necessary declaration to the Registry of this Court in the respective applications as required under the provision of the Act as amended from time to time. Such declaration shall be submitted to this Court within a period of two weeks from the date of receipt of present order.

4. With this, all these applications stand disposed of.

(Mukesh R. Shah, CJ)

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