

IN THE HIGH COURT OF JUDICATURE AT PATNA
Request Case No.258 of 2017

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Alok Prakash Sinha, Son of Late Sushil Kumar Sinha, Resident of Road No. 7, Rajendra Nagar, P.S. Kadam Kuan, District- Patna.

... .. Petitioner/s

Versus

M/s Rangoli Construction (Developer) through its Partner, Manoj Kumar Sharma, Rangoli Apartment, Boring Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.C. Verma, Advocate Mr.R.K. Singh, Advocate Mr. Lakshmi Kant Tiwary, Advocate
For the Respondent/s	:	None

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

12 14-12-2018

Heard learned counsel for the appellant.

The contention is that the opposite party has committed breach of the agreement dated 29th October, 2008 inasmuch as till date the handing over of the premises together with all the accessories and the finished work has not been completed in spite of repeated reminders in this regard. Notices had been issued on the application and after publication has been effected, the service was deemed to be sufficient vide order dated 07.12.2018.

Clause 23 of the Agreement provides for that in case of dispute or difference arising out of or relating to the development agreement, the same shall be settled by reference of the dispute or difference to the Arbitrator appointed by both the parties under the Indian Arbitration Act as amended from



time to time.

Consequently, the agreement is covered by the provisions of Arbitration and Conciliation Act, 1996. Since the opposite party has not contested the application in spite of the service, it is hereby directed that Sri Ravindra Patwari, retired District Judge, shall enter upon the arbitration in the present case and shall proceed to determine the cause of the dispute as raised in terms of the Arbitration and Conciliation Act, 1996.

Office to proceed accordingly to inform the Arbitrator.

(Amreshwar Pratap Sahi, CJ)

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