

IN THE HIGH COURT OF JUDICATURE AT PATNA

Request Case No.218 of 2017

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1. Om Prakash Sharma, Managing Partner M/s Chanakya Picture Palace, Exhibition Road, P.S. Gandhi Maidan, Town and District Patna.

2. Smt. Sabita Sharma represented through her Power of Attorney holder Mr. Shiv Narayan Resident of North Mandiri, Opp. Ganga Mahal, P.S. - Budha Colony, District Patna.

.... Petitioner/s

Versus

M/s Yunus Constructions Pvt. Ltd. Managing Director Mr. Baber Yunus, Grand Hotel Premises, Fraser Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumari Rashmi
Mr. Suresh Prasad Singh
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 10-01-2018

In the execution of a development, an agreement entered into between the parties on 18.08.2012 with regard to making certain development and construction in the area in question situated in Exhibition Road, Patna within Patna Municipal Corporation. As a dispute has arisen between the parties, jurisdiction of this Court under Section 11(6) of the Arbitration and Conciliation Act, 1996 is invoked in the light of Clause 24 of the Agreement which reads as under :-



“24. That in case of any dispute or differences between the parties arising out of or relating to any terms and conditions of this Development Agreement the same shall be decided by a board of arbitrators and as per the provisions of Arbitration & Conciliation Act, 1996 or as amended from time to time and shall be held at Patna. The arbitral tribunal shall be constituted by appointment of one arbitrator by the first party of the first part, one arbitrator by the second party of the first part and one arbitrator by the third party of the second part. The decision on the matters referred to the arbitration either unanimously or by majority shall be binding on the parties.”

Even though the respondent by filing an objection has tried to invite the attention that they are willing to constitute an Arbitral Tribunal as detailed in Clause- 24 but now as the jurisdiction of this Court has been invoked under Section 11(6) of the Act, this Court deems it proper to appoint an independent Arbitrator to verify the issue in the interest of the concerned parties.

The parties have indicated their preference and from the same this Court deems it appropriate to appoint Shri Navaniti Prasad Singh, a retired Judge of this Court and retired Chief Justice of Kerala High Court as one man Arbitral Tribunal to consider and adjudicate the dispute.



The learned Arbitrator is requested to conduct the proceeding as per convenience of the parties, preferably in Patna.

The application is disposed of.

(Rajendra Menon, CJ)

mr.l./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	15/01/2018
Transmission Date	

