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HIGH COURT OF CHHATTISGARH, BILASPUR**Arbitration Application No.84 of 2017**

M/s Sun Infrastructure, A partnership firm having its registered office at Flat No.204, Sai Saran, Near Sai Mangalam, Vyapar Vihar, Bilaspur (CG).

Through its Partner Shri Saurabh Agrawal, aged about 29 years, S/o Shri Balmukund Jajodiya, R/o Flat No.204, Sai Saran, Near Sai Mangalam, Vyapar Vihar, Bilaspur (CG).

---- Applicant**Versus**

Municipal Council, Mungeli, through its Chief Municipal Officer, Mungeli (CG).

---Non-applicant

For Applicant : Mr. Manoj Paranjpe, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

12/01/2018

Heard.

(1) This is an application filed by the applicant under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of Arbitrator for settlement of a dispute that has arisen between the applicant and non-applicant-Municipal Council, Mungeli.

(2) Learned counsel appearing for the applicant would submit that the applicant's case under Section 11(6) of the Arbitration and Conciliation Act, 1996 can be invoked as the dispute has arisen between the applicant and non-applicant-Municipal Council, Mungeli, which is a local body constituted under the provisions of the

Chhattisgarh Municipalities Act, 1961.

(3) I have heard learned counsel for the applicant and perused the record with utmost circumspection.

(4) The contract in question was entered into between the applicant and non-applicant-Municipal Council, Mungeli and that is a contract within the meaning of Section 2(1)(A) of the Chhattisgarh Madhyastham Adhikaran Adhiniyam, 1983 and the non-applicant is a municipal council constituted under the provisions of the Chhattisgarh Municipalities Act, 1961, therefore, the matter is cognizable under the Chhattisgarh Madhyastham Arbitration Tribunal constituted under the Act of 1983, as agreed by the parties under clause 28 of the Agreement.

(5) After hearing learned counsel for the applicant, I am not inclined to entertain the instant arbitration application. Accordingly, the application is dismissed. However, the applicant is at liberty to proceed before the Arbitration Tribunal in accordance with law.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-