

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.16 of 2019

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Ashwani Kumar, Male, Age-40, S/o Sri Sheo Shankar Prasad Singh Res. of
Purani Bijli Colony, Unta Station, P.S. and Distt.- Jehanabad.

... .. Petitioner/s

Versus

1. East Central Railway Hajipur District- Vaishali through the General Manager.
2. The General Manager, East Central Railway, Hajipur.
3. The Principal Chief Engineer, East Central Railway, Hajipur.
4. The Divisional Regional Manager, Danapur, East Central Railway, Danapur.
5. Senior Divisional Engineer-III, East Central Railway, Danapur.
6. Shri Anil Kumar, Sr. Divisional Engineer- III East Central Railway, Danapur.
7. The A.D.E.N. Gire East Central Railway, Danapur.
8. S.S.E. W/L East Central Railway, Danapur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Adv.
		Mr. Ratanakar Jha, Adv.
For the Respondent/s	:	Mr. Amaresh Kumar Singh, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 26-07-2019

Heard learned counsel for the applicant and the learned
counsel for the Railways.

The counter affidavit has been filed today and the
rejoinder has also been submitted on behalf of the applicant.

This request case has been filed praying for the
appointment of an arbitrator on the basis of a dispute which the
applicant states to have arisen on account of a contract agreement
dated 4th of June, 2012 for carrying out certain work at Bihta



Station, Patna. In the counter affidavit, the respondents have brought forth the relevant provisions of arbitration and the main thrust of the argument of the learned counsel is that even though a letter had been sent by the petitioner on 17th of December, 2018, yet no details of the claim had been tendered and, therefore, a request was made to him on 10th of January, 2019 to furnish the details of the claim for enabling the Railways to proceed to entertain his request for arbitration.

Learned counsel has urged that this reply was dispatched by the petitioner only on 18th of July, 2019 and, consequently, the statutory period which requires awaiting the invoking of jurisdiction under Section 11(6) of the Arbitration and Conciliation Act, 1996 had not yet expired.

I have gone through the pleadings and it appears that the request had been made as early as on 17th of December, 2018. The period, therefore, stood expired and it is thereafter that the present application was instituted in February, 2019. Consequently, the arguments that have been advanced on behalf of the respondents about non-expiry of the statutory period does not appeal to reason. There is no dispute that there is an arbitration clause and the parties are subject to the Arbitration and Conciliation Act.



Hence, in the exercise powers under Section 11(6) of the Arbitration and Conciliation Act, 1996, I, hereby, appoint Shri Murlidhar, retired District Judge, as an Arbitrator to enter upon the dispute and render his award. The Registrar General to take steps accordingly for information as well as for sending the records to the Arbitrator.

The parties shall appear before the arbitrator on 26th of August, 2019 whereafter the arbitrator shall proceed accordingly.

(Amreshwar Pratap Sahi, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.07.2019
Transmission Date	N/A

