

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.22 of 2019

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Deo Kumar, son of Ram Naresh Singh, Resident of Village- Kurkuri, P.S.-
Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India.
2. Senior Divisional Engineer (Co- ordinator), East Central Railway, Danapur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Tiwary, Advocate
For the Respondent/s : Mr. Bijoy Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 10-05-2019 Heard learned counsel for the applicant and Sri Bijoy
Kumar Sinha, learned counsel for the respondent-Railways.

The applicant has come up for appointment of an Arbitrator invoking the standard condition contained in the agreement relating to appointment of an Arbitrator in the event a dispute has arisen. The applicant also contends that notice in terms of Section 21 of the Arbitration and Conciliation Act, 1996 was tendered on 18th January, 2019 and after having waited for the statutory period as prescribed under sub-section (5) of Section 11 of the 1996 Act, the present application has been moved as the respondents have not taken any action so far.

The matter had been adjourned on the last occasion on the request of learned counsel for the Railways to either obtain instructions or file an affidavit. No affidavit has been filed, but



the learned counsel has opposed the application contending that the ingredients of Clauses 63 and 64 of the Standard Conditions of Contract have not been complied with.

Having considered the submissions raised and keeping in view the provisions of sub-section (6A) of the 1996 Act, the existence of the agreement is nowhere in dispute. The applicant claims that there is a dispute between the parties and, therefore, keeping in view the said provisions, I hereby appoint Shri D. K. Sharma, Retired District and Sessions Judge as the sole Arbitrator who shall enter upon the dispute and decide the same as expeditiously as possible in terms of the 1996 Act.

Let the information of this order along with the papers be transmitted by the Registrar General to the sole Arbitrator for proceeding in the matter enabling the parties to appear before him on 2nd of June, 2019.

The application stands disposed of.

(Amreshwar Pratap Sahi, CJ)

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