

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.25 of 2019

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Yunus construction Pvt. Ltd. a company incorporated under the Companies Act having its registered office at Grand Hotel Premises, Frazer Road, P.S. Kotwali, Patna through its Managing Director, Mr. Baber Yunus, male, aged about 66 years, Son of Md. Yaqub Yunus resident of 193, Grand Apartment, Frazer Road, Patna, Bihar.

... .. Petitioner/s

Versus

1. Om Narayan Sharma, Son of Late Mukti Nath Sharma, Managing Partner, Chanakya Picture Palace, Exhibition Road, Patna.
2. Smt. Sabita Sharma, Wife of Om Narayan Sharma, resident of North Mandiri, P.S. Buddha Colony, Town and District Patna, Bihar through her Power of Attorney Holder Shiv Narayan Son of Om Narayan Sharma resident of North Mandiri, P.S.- Buddha Colony, Town and District Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Dr. Krishna Nandan Singh, Senior Advocate Mr. Rajiv Kumar Singh, Advocate
For the Respondent/s	:	Mr. P. K. Shahi, Senior Advocate Mr. Jai Vardhan Narayan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

6 06-09-2019 Heard learned senior counsel for the applicant and

the learned senior counsel for the opposite parties.

The matter had been adjourned on 26th July, 2019

when the following orders were passed.

“Learned counsel for the applicant
states that the applicant does not insist upon the
continuance of the same Arbitrator and in the
event, the opposite party agrees some other
person may be appointed as Arbitrator with the
consent of the parties.

Learned counsel for the opposite party



prays for time to seek instructions.

Put up on Friday next, i.e.,
02.09.2019.”

The reason for passing of the said order was on account of the arbitration not having been proceeded with by the earlier Arbitrator.

Learned counsel for the parties agree that Hon’ble Mr. Justice Madhavendra Saran, a retired Judge of the Patna High Court, be appointed as Arbitrator so as to conclude the proceedings at the earliest. I may put on record that the time line for conclusion of such arbitration and manner of its disposal has now been very recently dealt with by the Apex Court in the case of **M/s National Highways and Infrastructure Development Corporation Limited Vs. M/s. BSCPL Infrastructure Limited** (Civil Appeal No.6168 of 2019) decided on 7th August, 2019.

Accordingly, in exercise of the powers under Section 11(6) of the 1996 Act and as agreed by the parties, I hereby appoint Hon’ble Mr. Justice Madhavendra Saran, a retired Judge of the Patna High Court to proceed with the arbitration and render his award in terms of the provisions of the 1996 Act as expeditiously as possible.

Let the information of this order along with papers be transmitted by the Registrar General to the sole Arbitrator for



proceeding in the matter.

The application stands disposed of accordingly.

(Amreshwar Pratap Sahi, CJ)

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