

IN THE HIGH COURT OF JUDICATURE AT PATNA

Request Case No.242 of 2017

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Multi Engineering And Scientific Corporation, a Registered partnership firm having its work office at Katari Hill Road, Gaya, 823 001, through its partners Pradeep Kumar, s/o- Late Gopal Prasad.

... .. Petitioner/s

Versus

1. General Manager, East Central Railway GM Office Road, Hajipur, 844102
2. Principal Chief Engineer, East Central Railway, G.M. Office Road, Hajipur, 844102.
3. Divisional Railway Manager, East Central Railway, DRM Office Campus, Danapur, P.O.- Khagaul, Patna
4. Senior Divisional Engineer Co-ORD, East Central Railway, DRM Office Campus, Danapur, P.O.- Khagaul, Patna 801105

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhruva Mukherjee, Sr. Advocate
For the Respondent/s : Mrs. Nivedita Nirvikar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

16 25-01-2019 Heard Shri Dhruva Mukherjee, learned senior counsel for the applicant and Mrs. Nivedita Nirvikar for the respondent Railways.

The parties are at variance in respect of the dispute as indicated in the application.

A counter affidavit has been filed disputing the claim



of the applicant.

The prayer is for appointment of an Arbitrator for which the attention of the Court has been invited to Clause 64 (1) (i) of the General Conditions of Contract which is extracted hereinunder:-

“64 (1)(i) Demand for Arbitration-

In the event of any dispute or difference between the parties here to as to the construction or operation of this contract, or the respective rights and liabilities of the parties on any matter in question, dispute or difference on any account or as to the withholding by the Railway of any certificate to which the contractor may claim to be entitled to, or if the Railway fails to make a decision within 120 days, then and in any such case, but except in any of the ‘excepted matters’ referred to in clause 63 of these conditions, the contractor, after 120 days but within 180 days of his presenting his final claim on disputed matters, shall demand in writing that the dispute or difference be referred to arbitration.”

Having perused the same and keeping in view the powers exercisable under the Arbitration and Conciliation Act, 1996 and keeping in view the quantum about which the dispute has arisen, I hereby appoint Hon’ble Mr. Justice Sadanand



Mukherjee, a retired Judge of this Court, who has already earlier given consent for appointment as Arbitrator, as 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.

(Amreshwar Pratap Sahi, CJ)

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