

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**REQUEST CASE No.43 of 2019**

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M/S Ganadhi Pati Construction Pvt. Ltd. 203, A-Block, Capital Tower, Frazer Road, Patna-800001, through its Managing Director namely Janardan Prasad S/o Sri Gulab Prasad

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna
2. The Principal Secretary Urban Development and Housing Department, Govt. of Bihar, Patna
3. The Managing Director Bihar Urban Infrastructure Development Corporation Ltd., 2nd Floor, Khadya Bhawan, Daroga Prasad Rai Path, R-Block, Patna-800001
4. The Project Director (SIU-3) Bihar Urban Infrastructure Development Corporation Ltd., Patna-800001
5. General Manager (Works) Bihar Urban Infrastructure Development Corporation
6. Branch Manager Andhra Bank, Doctors Colony Branch, Hanuman Nagar, Patna-800020

... .. Respondent/s

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**Appearance :**

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|-----------------------------|---|------------------------------------|
| For the Petitioner/s        | : | Mr.Mithilesh Kumar Rai, Advocate   |
| For the State               | : | Mr. Rakesh Ambastha, A.C. to AAG-7 |
| For Respondent Bank         | : | Mr. Shivendra Kumar Roy, Advocate  |
| For Respondent Nos. 3 to 5: | : | Mr. Rabindra Kumar Roy, Advocate   |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

ORAL ORDER

6      20-09-2019                      Heard learned counsel for the parties. A counter



affidavit has been filed on behalf of the Respondents No. 3 to 5.

It is undisputed between the parties that an agreement exists according to which the party aggrieved has to move for appointment of a Dispute Adjudication Board as per Clause 20.2 and a decision thereon as per Clause 20.4. According to the applicant, such an attempt had already been made through four requests that have been referred to in Annexure-7 of the application.

In spite of this effort having been made on behalf of the applicant, the respondents did not proceed in the matter and thereafter upon putting the respondents to notice, as above, the applicant has approached for the appointment of Arbitrator in exercise of powers under Section 11(6) of the Arbitration and Conciliation Act, 1996. The arbitration clause as per the agreement is 20.6.

Consequently, the conditions for appointment of an Arbitrator having been satisfied, the application is allowed.

Accordingly, in view of the arbitration clause available and in view of the provisions of the Arbitration and Conciliation Act, 1996 and Appointment of Arbitrators by the Chief Justice of Patna High Court Scheme, 1996, I hereby appoint Hon'ble Mr. Justice Jyoti Saran (Retired) 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 application stands disposed of accordingly.

**(Amreshwar Pratap Sahi, CJ)**

P.K.P./-

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