

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.47 of 2019

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Data Technosys (Engineers) Pvt. Ltd. Asha Apartment (1), 19 Ram Mohan Rai (Lucknow) through its legal representative Sandeep Saxena S/O Late K.C. Saxena resident of house no C- 740 Sector C Mahanagar P.S.- Mahanagar Lucknow.

... .. Petitioner/s

Versus

1. The Union of India Through the General Manager, East Central Railway, Hazipur, Patna.
2. The General Manager East Central Railway, Hazipur.
3. The Chief Engineer (Construction)/North 1 East Central Railway MahendruGhat, Patna, Bihar.
4. The Deputy Chief Engineer (Construction) /RXL East Central Railway, Raxaul District- East Champaran, Bihar.
5. The Chief Administrative Officer (Construction) East Central Railway MahendruGhat, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate
For the Respondent/s : Mr. Siddhartha Prasad, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 20-09-2019 Heard learned counsel for the parties. Affidavits have been exchanged between the parties.

The matter had been adjourned on the last occasion by passing the following order:

“It is stated by the learned counsel for the East Central Railway that there is hardly any dispute for being referred by way of arbitration, inasmuch as, letter dated 14.12.2017 and 21.08.2018 have been dispatched to the applicant to receive the payments after putting his signatures on the requisite documents.



Learned counsel for the applicant contends that he has already signed the documents, but once again he is still prepared to put his signatures on the requisite documents and receive the payments.

Let the applicant be present before the Deputy Chief Engineer (Construction)/ RXL, East Central Railway, Raxaul, respondent no. 4 on 16th of September, 2019. In the event, the payments are received, there would be no necessity to appoint an Arbitrator.

List on 20.09.2019.”

An affidavit has been filed on behalf of the applicant contending that the opposite parties are unnecessarily creating obstructions and are not allowing the adjudication of the controversy and, therefore, appointment of the Arbitrator is necessary keeping in view the provisions of Clause 64 of the General Conditions of Contract which clause remains undisputed between the parties.

A dispute having arisen and in view of the nature of the dispute, 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 Shri Pramod Bahadur Mathur, District & Sessions Judge



(Retd.) 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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