

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**ARBAP No.11 of 2018**

M/s Sangha Erectors Pvt. Ltd. Registered Office At 1b Vasai Nagar, Picket Secundrabad, Hyderabad- 50009 (Andhra Pradesh) Through Its Managing Director, S.S. Sangha Age About 58 Years S/o Shri Ajit Singh., District : Hyderabad, Andhra Pradesh

---- Petitioner**Versus**

1. M/s Sepco Electric Power Construction Corporation Balco Power Plant-1200 Mw, Korba Chhattisgarh, Through Its President Project, Mr. Gao Hongzeng., District : Korba, Chhattisgarh
2. M/s Bharat Aluminum Company Ltd Balco Nagar, Korba District Korba, Chhattisgarh, Through Its Chairman/managing Directors., District : Korba, Chhattisgarh
3. Mr. Naveen Kumar Balco Power Palant Soham, 8/738 Behramji Gamadia Raod (Carnichael Road) Mumbai 400026 Maharastra., District : Mumbai, Maharashtra
4. M/s Vedanta Chairman And Director At Vedanta House-75, Nehru Road Vile Parle (East) Mumbai 400099, Maharashtra., District : Mumbai, Maharashtra
5. Mr. A. K. Jain General Manager Power Project Bharat Aluminum Company Ltd. Baloda Nagar Korba, Chhattisgarh., District : Korba, Chhattisgarh
6. Mr. Sunil Singh General Manager, Balco Power Plant- 1200 Mw, Balco Nagar, Korba, Chhattisgarh., District : Korba, Chhattisgarh

-----Respondents

For Petitioner:

Ms. Upasana Mehta, Advocate.

For Respondents:

Mr. Dharmesh Shrivastava, Advocate.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

07.02.2019

1. This Petition has been filed under Section 15 of the Arbitration and Conciliation Act, 1996 (for short 'the Act of 1996') for appointment of Arbitrator, as Shri Pradeep Kumar Dave, who was earlier appointed as an Arbitrator vide order dated 20.01.2017 in Arbitration Application No.59/2015 has refused to act as such.

2. It is submitted by the Petitioner that an application for appointment of Arbitrator was made under Section 11(6) of the Act of 1996 before this Court for appointment of the sole Arbitrator. After considering the said application, this Court, vide order dated 20.01.2017, has appointed one Shri Pradeep Kumar Dave, Retd. District Judge as an Arbitrator in Arbitration Application No.59/2015. It is submitted further that the said Arbitrator has refused to arbitrate the matter since he has already become the Legal Advisor, First Class in Chhattisgarh Public Service Commission with effect from 22.11.2016 and has intimated the said fact vide his letter dated 23.02.2017 to this Court.
3. In view of the aforesaid facts, it would be just and proper to appoint someone else in his place and accordingly, I hereby appoint Shri Justice Vijay Kumar Shrivastava, Retd Judge of this Court, R/o Mridu Villa, Old Ware House Road, Vidhik Seva Marg, Bilaspur (CG) as an Arbitrator in this matter.
4. The Petitioner and Respondent may file their claim/counter claim before the said Arbitrator within a period of five weeks from today who is requested to dispose of the matter within the time prescribed under the Act of 1996 as amended.
5. The parties are directed to appear before the said Arbitrator on 30.03.2019.
6. Registry is directed to send a copy of this order to Shri Justice Vijay Kumar Shrivastava, Retd Judge of this Court as early as possible.
7. In view of above, the instant application stands disposed of.

Sd/-

(Sanjay Agrawal)
JUDGE