

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.144 of 2019

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M/s Mahendra Pd. Singh and Brothers Village- Dalluchak, P.O. and P.S.-
Khagaul, District- Patna, through Rakesh Kumar Sinha, aged about 48 years,
Male, Partner R/o Village- Village- Dalluchak, P.O. and P.S.- Khagaul,
District- Patna

... .. Petitioner/s

Versus

1. The Union of India through Chairman, Railway Board, New Delhi
2. The General Manager East Central Railway, Hazipur, Vaishali, Bihar
3. The Chief Engineer/CON/Jharkhand East Central Railway, Mahendrughat,
Patna
4. The Deputy Chief Engineer/Construction/Patna East Central Railway, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra, Advocate
For the Respondent/s : Mr. Kumar Alok, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 23-12-2020

Petitioner has prayed for the following relief(s):

“1. That, this application is being filed with a prayer to the Hon’ble Chief Justice and/or Hon’ble Judges duly empowered by him in this behalf to appoint an independent arbitrator to resolve, settle and decide the dispute and differences which has been arises between the petitioner and the respondent in terms of agreement dated 26.05.2009 which executed by the petitioner on behalf of petitioner firm and the respondent No. 4 on behalf of President of India.”

In the supplementary counter affidavit, the respondent-Railways has suggested four names, out of whom petitioner has expressed his willingness and desire to choose two names, namely, Shri Rajendra Prasad (IRSE) Retd.



CAO/Con/Sr. (1st choice) and Shri Rakesh Goyal, (IRSE), Retd.
Addl. Member (CE)/Rly. Board (2nd choice).

In view of the same, Shri Rajendra Prasad would be considered as an Arbitrator of petitioner's choice and Shri Rakesh Goyal, (IRSE), Retd. Addl. Member (CE)/Rly. Board shall be considered as Arbitrator of Railways choice, and the 3rd Arbitrator will be appointed by the Railways within four weeks.

The arbitration arises out of an agreement executed in the year 2009 in relation to the contract in question, vide Agreement No.DCE/Con/PNBE/Agt/31 dated 26.05.2009.

It is expected of the Railways to appoint an Umpire within four weeks and the Arbitration proceedings shall be concluded expeditiously within a time-schedule prescribed under law.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application, if any, shall stand disposed of.

(Sanjay Karol, CJ)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.01.2021
Transmission Date	

