

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.185 of 2019

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M/s Madhav Sharma through its Partner Mohan Sharma, son of Madhav Sharma, resident of Lakhibagh, Mainpura, Gaya, P.S. Buniyadganj, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Building Construction Department, Govt. Bihar, Nirman Bhawan, Bailey Road, Patna.
2. The Executive Engineer, Building Construction Department, Building Division, Arwal, District Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uma Shankar Tiwary, Advocate

For the Respondent/s : Mr.Manoj Kumar Ambastha (SC- 26)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 16-09-2020

This application has been moved seeking appointment of an Arbitrator invoking the powers of this Court under Section 11(6) of the Arbitration and Conciliation Act, 1996.

There is no dispute about-(a) the legality, validity and binding effect of the agreement dated 15.10.2011 entered into between the parties to the lis; (b) the existence of arbitration clause contained therein; (c) the existence of dispute(s) arising there from.



As such, Shri Bidhu Bhushan Pathak, District Judge (Retd.) is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement dated 15.10.2011 entered into between the parties.

On the name of the learned Arbitrator, there can be no objection by either of the learned counsel for the parties.

Parties undertake to appear before the learned Arbitrator through the mode of Video Conferencing and as permissible during the period of current Pandemic Covid-19.

Parties also undertake to fully cooperate and agree to request the learned Arbitrator to complete the proceedings at the earliest, which request, this Court, trusts would be favorably considered.

Learned Registrar General shall ensure that a copy of this order is made available to the learned Arbitrator.

Parties shall file their statement of claims before the learned Arbitrator on such date of hearing which he may fix, as per mutual convenience.

In fact, even during the period of current Pandemic Covid-19, subject to the convenience, arbitral proceeding can commence and conclude using facility of video conferencing/other electronic mode.



Learned counsel for the parties also undertake to apprise the learned Arbitrator of the passing of the order.

The Request Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

