

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**ARBR No. 7 of 2020**

M/s Mahavir Coal And Transport Through Its Proprietor, Ankit Jain S/o Shri Naresh Kumar Jain, Aged 43 Years Plot No. 239, Laluram Colony T.P. Nagar, Korba Chhattisgarh - 495677

---- Applicant**Versus**

1. South Eastern Coalfields Limited Through The Chairman Cum Managing Director, SECL Bhawan, Seepat Road, Bilaspur Chhattisgarh - 495006
2. The General Manager (CMC) South Eastern Coalfields Limited, SECL Bhawan, Seepat Road, Bilaspur Chhattisgarh - 495006
3. The General Manager South Eastern Coalfields Limited, SECL Sohagpur Area, P. O. Dhanpuri, District Shadol Madhya Pradesh - 484114
4. The Staff Officer (Mining) South Eastern Coalfields Limited, SECL Sohagpur Area, P. O. Dhanpuri, District Shahdol Madhya Pradesh - 484114
5. The Sub-Area Manager South Eastern Coalfields Limited, SECL Sohagpur Area, P. O. Dhanpuri, District Shahdol Madhya Pradesh - 484114

---- Respondents

For Applicant	:	Mr. Kshitij Sharma, Advocate
For Respondents	:	Mr. Vaibhav Shukla, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****03/03/2020**

1. The present is an application under Section 11(6) of the Arbitration and Conciliation Act, 1996.
2. Referring to Clause 13A, the counsel for the applicant sought for the dispute to be resolved by way of arbitration and by referring the matter to a Sole Arbitrator to be appointed by this Court.
3. Mr. Vaibhav Shukla, Advocate enders appearance on behalf of the respondents and on instructions submits that before resorting to the remedy under Clause 13A it would be more appropriate if the parties

are permitted to explore the possibility of resolution resolving the dispute invoking Clause 13 of the agreement, whereby it envisages that the respondents shall constitute a Committee and the Committee in turn shall after due notice to the applicant shall consider and try to resolve the dispute. The counsel for the respondents today further on instructions submits that he has positive instruction that the said mechanism as is envisaged under Clause 13 would be resorted to and a Committee shall be constituted which in turn shall give a report or take a decision within a period of 45 days.

4. Given the said submissions by the counsel for the respondents, this Court is of the opinion that let the respondents constitute a Committee as is required under Clause 13 of the agreement between the parties within a period of 15 days from the date of receipt of the copy of this order. That the said Committee in turn shall after due notice to the applicant herein shall try to resolve the dispute within a further period of 30 days from the date of constitution of the Committee.
5. The arbitration application at this stage stands disposed of, reserving the right of the applicant to approach the Court, in case if need so arises.

Sd/-
(P. Sam Koshy)
Judge

Ved