

HIGH COURT OF CHHATTISGARH AT BILASPUR**ARBR No. 40 of 2019**

M/s Mehrotra Buildicon (P) Ltd. Having Its Registered And Corporate Office At 9, Industrial Estate, Rewa Road, Satna, Madhya Pradesh, Represented By Its Authorized Representative Mr. Syed Qayam Ali, Aged About 65 Years, Residing At Nazirabad Satna, Madhya Pradesh, Vide Board Of Resolution Dated 29-08-2016, Bearing Sl. No. 43.

---- Petitioner**Versus**

1. Deputy Chief Engineer (Con.) South East Central Railway, Raipur, District : Raipur, Chhattisgarh
2. Chief Engineer (Con. -2) South East Central Railway, Bilaspur, District : Bilaspur, Chhattisgarh
3. General Manager South East Central Railway, Bilaspur, District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Shishir Dixit, Advocate
For Respondent/s	:	Mr. Abhishek Sinha, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/01/2020**

1. The present is an application under Section 15(2) read with Section 11 of the Arbitration and Conciliation Act, 1996.
2. The occasion for failing of the said application is on account of the order passed by the earlier arbitrator in a sitting held on 22.09.2019.
3. perusal of the records would show that the petitioner at the first instance had moved an application under Section 11(6) vide Arbitration Application No. 34 of 2018. The said application got disposed of on 26.06.2019 appointing Hon'ble Justice Shri Dharendra Mishra former Judge of this High Court to arbitrate the dispute between the parties. It appears that the petitioner had raised an

objection so far as the appointment of justice Dharendra Mishra is concerned and on the said objection being raised the said arbitrator has shown his reluctance to continue with the arbitration proceedings as is reflected from the order dated 22.09.2019 which has now led to the filing of the present application.

4. Respondents have entered appearance and have filed their reply.
5. Considering the fact that there is already an order by this Court on 26.06.2019 for releasing the dispute between the party by way of arbitration and the sole arbitrator appointed by this Court have now shown his reluctance. With the consent of the parties, this Court now hereby appoints Hon'ble Justice Shri V. K. Shrivastava former Judge of this High Court to act as an arbitrator and resolve the dispute between the parties. As has been held by this Court in its order dated 26.06.2019 the remuneration part and the venue etc. would be decided by the Arbitrator with the mutual consent of the parties.
6. The Registry would ensure that the records which have been sent to the Registry by the earlier arbitrator would now be forthwith sent to the office of Justice V. K. Shrivastava retired Judge of this Court and the arbitration proceedings would proceed further from the stage when the previous arbitrator has shown his reluctance to proceed further.
7. Arbitration Application accordingly stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge