

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.4 of 2021

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M/s DMG Consulting Pvt. Ltd. through its Director Aloke Vatsayan Son of Shri Vasudeo Prasad Sharma, Resident of A-81, Sector-65 District - NOIDA, Uttar Pradesh

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Principal Secretary Cum Project Director, Support Programme for Urban Reform in Bihar (SPUR), Urban Development and Housing Department, Government of Bihar, Patna.
3. The Addnl. Secretary Cum Addnl. Project Director, Support Programme for Urban Reform in Bihar (SPUR), Urban Development and Housing Department, Government of Bihar, Patna.
4. The Joint Secretary Cum Addnl. Project Director, Support Programme for Urban Reform in Bihar (SPUR), Urban Development and Housing Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mayank Rukhaiyar, Advocate Mr. Himanshu Kumar Akela, Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha, AAG-7 Mr. Shankar Kumar, AC to AAG-7

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice through Video Conferencing from his residential office/residence. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

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Date : 22-09-2021

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.



Petitioner has prayed for the following relief(s):-

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1. That this is an application praying for appointment of an Arbitrator for resolution of dispute arising out of Contract No. SPUR – PMU/148/PS: 10 Towns /DMG – G2/2014/82 executed for the work of “Property Survey and Updation of Base Map for 10 towns of Bihar under SPUR” in terms of arbitration clause in 9.2 of the said contract.

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There is no dispute about-(a) the legality, validity and binding effect of the agreement dated 12th of September, 2014 (Annexure-2) 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.

The dispute arises out of execution of Agreement dated 12th of September, 2014. The agreement contained an arbitration clause, whereby the parties agreed for reference of the dispute *inter se* the parties, arising out of the said agreement, for arbitration as per law.

There is no legal impediment in the adjudication of the dispute by the learned Arbitrator.

As such, Sri Radha Krishna, District & Sessions Judge (Retd.) is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement dated 12th of September, 2014 entered into between the parties to the lis.



All pleas and issues raised, on merits, are left open to be considered and decided by the learned Arbitrator.

Learned Arbitrator shall be entitled to fee as per provision of the Arbitration Act.

Since the dispute arises out of an agreement of the year 2014, the hearing be expedited.

Parties undertake to fully cooperate and not take any unnecessary adjournment.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

It is expected of the learned Arbitrator to decide the issues expeditiously.

Joint Registrar (List) is directed to communicate the order to the learned Arbitrator.

Learned counsel for the parties also undertake to communicate the order to the learned Arbitrator. In fact, they volunteered to appear before him, through digital mode on 21st of October, 2021 and apprise him of the passing of the order.

Parties shall file their statement of claims before



the learned Arbitrator on such date of hearing which he may
fix, as per mutual convenience.

The Request Petition stands disposed of in the
above terms.

Interlocutory Application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	30.09.2021
Transmission Date	

