

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.19 of 2021

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Vikas Kumar Singh, 7HF-3/31, Bahadurpur Housing Colony, Kankarbag, Patna at present residing at C/o Parama Nand Singh, Mohalla- Kirti Nagar, Water Tower Sector-6, Bhutnath Road, B.H. Colony, Patna-26.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Bihar Urban Development Agency, Urban Development and Housing Department, Vikash Bhawan, New Secretariat, Government of Bihar, Patna.
2. The Secretary Bihar Urban Development Agency, Urban Development and Housing Department, Vikash Bhawan, New Secretariat, Government of Bihar, Patna.
3. The Chief Engineer Bihar Urban Development Agency, Urban Development and Housing Department, Vikash Bhawan, New Secretariat, Government of Bihar, Patna.
4. The Superintending Engineer Bihar Urban Development Agency, Urban Development and Housing Department, Vikash Bhawan, New Secretariat, Government of Bihar, Patna.
5. The Gaya Municipal Corporation Gaya through the Municipal Commissioner.
6. The Municipal Commissioner, the Gaya Municipal Corporation, Gaya.
7. The Executive Engineer, the Gaya Municipal Corporation, Gaya.
8. The Assistant Engineer, the Gaya Municipal Corporation, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad, Advocate

For the Respondent/s : Mr. Yogendra Prasad Sinha, AAG-7
Mr. Rabindra Kumar Priyadarshi, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 01-09-2021

The petitioner has prayed for the following relief/s :-

“i) To issue an appropriate order(s)/direction(s) for appointment of an Independent Arbitrator in terms of Section-11 of the Arbitration & Conciliation Act, 1996 (here-in-after referred to as ‘the Act’) as



the respondent authorities have failed to appoint any arbitrator in terms of Clause-25 of contract of the Standard Bidding Document (here-in-after referred to as 'SBD').

ii) To grant any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

The present petition filed under Section 11 (6) of the Arbitration & Conciliation Act, 1996 is in relation to the agreement dated 26.02.2018 entered into between the petitioner and the Gaya Municipal Corporation, Gaya. From the record, it is clear that the agreement does not contain any arbitration clause.

Shri Raj Kishore Prasad, learned counsel for the petitioner states that the standard bidding document published by the Road Construction Department, Govt. of Bihar forms part of the agreement entered into between the parties for construction of civil work. Bids were invited in terms whereof.

The submission is not fortified by any document placed on record. The standard bidding document pertains to the contract of the State Government and not the Municipal Corporation. The agreement entered into between the parties also does not categorically stipulate its applicability.

Hence, in the absence of any written agreement



containing an arbitration clause, the request for appointment of the arbitrator in terms of the present petition cannot be accepted.

The present petition stands dismissed leaving it open to the petitioner to pursue the remedies in accordance with law.

Interlocutory Application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	07.09.2021
Transmission Date	

