

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.26 of 2021

1. Bijay Narayan Singh, Son of Late Awadh Bihari Singh
2. Indu Singh alias Indira Singh, wife of Jay Narayan Singh
3. Rishi Raj Singh, Son of Jay Narayan Singh

All are present resident of P.O. - Phusro P.S. - Phusro, Giridih, District- Bokaro (Jharkhand) and are resident of Village - Shobh, P.S. - Barachatti, District- Gaya.

... .. Petitioner/s

Versus

1. Sakaar Construction Pvt. Ltd. through its Director Ravi Talwar having its office at Pandooi Palace, Boring Road, P.S. - Buddha colony, District- Patna.
2. Ravi Talwar, son of Surendra Mohan Talwar, resident of E3-A, Pushp Vihar Apartment, Exhibition Road, P.O. and P.S. Gandhi Maidan, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Devesh Shankaran, Advocate
Mr. Pankaj Kumar Sinha, Advocate
Mr. Rohit Kumar, Advocate
Mr. Girijapati Kaushal, Advocate

For the Respondent/s : Mr. Prashant Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

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.

There is no dispute about-(a) the legality, validity and binding effect of the agreement dated 15.06.2015 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.

Parties mutually agree for appointment of an Arbitrator. In fact, they themselves have suggested the name of Hon'ble Mr. Justice Dinesh Kumar Singh (Former Judge of this Court) to adjudicate the disputes.

The dispute arose out of execution of Agreement dated 15.06.2015. 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, as jointly prayed for, Hon'ble Mr. Justice Dinesh Kumar Singh (Former Judge of this Court) is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement dated 15.06.2015 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 the



schedule.

Since the dispute arises out of an agreement of the year 2015, 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.

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 22.10.2021 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)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	01.10.2021
Transmission Date	

