

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.32 of 2021

=====

Sarvesh Security Services Pvt. Ltd. through its Director Col. S.N.P. Singh (Male, Aged 74 years), S/o Late H.P. Singh, Having its Registered Office at - 413, Mayur Vihar, Pocket E, Phase 2, Delhi - 110091.

... .. Petitioner/s

Versus

1. Bihar Urban Infrastructure Development Corporation Ltd. Development Corporation Ltd., Through Managing Director, 303, Maurya Tower, Buddha Marg, Patna - 800001.
2. Project Director, Bihar Urban Infrastructure Development Corporation Ltd., 303, Maurya Tower, Buddh Marg, Patna- 800001.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar, Advocate
		Mr. Shashi Kant Amar, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, AG
		Mr. Rabindra Kumar Priyadarshi, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 01-12-2021

Heard learned counsel for the parties.

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.

The dispute resolution mechanism contained in a written agreement dated 11th of February, 2013, entered into between the parties, reads as under:-

“56. DISPUTE RESOLUTION

a. Amicable Settlement

The Parties shall use their best efforts to settle amicably all disputes arising out



of or in connection with this Agreement or the interpretation thereof.

b. Dispute Settlement

Disputes shall be settled by arbitration in accordance with the following provisions :

i. Subject to the provisions of Clause 16.1, any dispute which is not resolved amicably, shall be finally decided by reference to arbitration under the Arbitration Act. The arbitration shall be by a panel of three arbitrators, one to be appointed by each Party and the third to be appointed by the two arbitrators appointed by the Parties. The Party requiring arbitration shall appoint an arbitrator in writing, inform the other Party about such appointment and call upon the other Party to appoint its arbitrator. If within 15 days of receipt of such intimation the other Party fails to appoint its arbitrator, the Party seeking appointment of arbitrator may take further steps in accordance with the Arbitration Act.

ii. The arbitration proceedings shall be conducted in accordance with procedure and provisions of the Arbitration & Conciliation Act, 1996 ("the Arbitration Act")

iii. The arbitration proceedings shall be held at Patna and the Courts at Patna only shall have the jurisdiction."

During the course of hearing, it was suggested by the parties that perhaps, more so considering the nature of the dispute, an endeavour can be made for amicable resolution of the dispute. Petitioner points out that such an endeavour did not find favour with the respondent. Communication dated 5th of February, 2020 is on record to such effect.

Perhaps, the reason for non-response could have been



the current Pandemic Covid-19. However, with the things improving, it is now for the parties to sit with an endeavour of having the dispute resolved amicably.

Learned Advocate General states that any fresh request made by the petitioner shall be considered expeditiously, in accordance with law. In fact, he welcomes the suggestion put forth by Shri Awadhesh Kumar, learned counsel for the petitioner that the petitioner shall make himself available in the office of the appropriate authority within next four weeks.

The Court is hopeful that as and when any request is received, the same shall be considered and decided, in accordance with law, expeditiously and positively within a period of two months thereafter. All issues are left open, reserving liberty to the petitioner to file fresh petition on the same and subsequent cause of action, should the need so arise subsequently.

Learned Advocate General, under instructions from Shri Rabindra Kumar Priyadarshi, states that the appropriate authority to decide the issue would be the Principal Secretary, Urban Development and Housing Department, Government of Bihar.

The instant petition stands disposed of in the aforesaid



terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

Ashwini/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	03.12.2021
Transmission Date	

