

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.41 of 2020

Life line Hospital and Research Centre, Rep. through Hemant Kumar, Make
Aged about 42 years, S/o Shri Niranjana Prasad Singh, at Nipania, Main road,
Ward no. - 01, P.S.- Begusarai, Dist- Begusarai, Barauni, Bihar.

... .. Petitioner/s

Versus

The Employees State Insurance Corporation, Through state medical
commissioner, Regional office, Panchdeep Bhawan, Jawahar Lal Nehru Marg,
Patna - 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bipin Bihari, Advocate
For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 10-02-2021

As per office report dated 9th of February, 2021,
respondent stands served.

Despite repeated calls, none has entered appearance
on behalf of the respondent.

As such, this Court proceeds *ex parte*.

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 14.06.2017 entered into
between the parties to the lis [Annexure-1]; (b) the existence of
arbitration clause contained therein; (c) the existence of



dispute(s) arising there from.

As such, the present petition stands disposed of in the following terms:

(a) Shri Bidu Bhushan Pathak, (Retired District Judge) is hereby appointed as arbitrator to adjudicate the dispute inter se the parties emanating out of the agreement dated 14.06.2017 (Annexure-1) executed between the petitioner and the respondent;

(b) the proceedings, shall be conducted through the mode of video conferencing;

(c) parties are directed to appear before the learned Arbitrator on 1st of March, 2021 through virtual or physical mode.

(d) during the period of current Pandemic Covid-19, subject to the convenience, arbitral proceeding can commence and conclude using facility of video conferencing/other electronic mode.

(e) parties shall fully co-operate and not take any unnecessary adjournment;

(f) parties are directed to apprise the learned Arbitrator of the passing of the order;

(g) this Court is hopeful that the dispute shall be



adjudicated at the earliest;

(h) learned Arbitrator shall be entitled to fee as per the prescribed schedule;

(i) learned Registrar General shall ensure that a copy of this order is made available to the learned Arbitrator;

(j) parties shall file their statement of claim before the learned Arbitrator on such date of hearing which he may fix, as per mutual convenience;

(k) no order as to costs;

The present petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

Amrendra/P.K.P

AFR/NAFR	
CAV DATE	
Uploading Date	12.02.2021
Transmission Date	

