

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.40 of 2021

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M/s Anil Sharma through its proprietor Mr. Anil Sharma, aged about 55 Years, (Male), son of Late Ram Chandra Singh, Resident of Mohalla- North Office Para Road, G.S.P, P.S.- Doranda, District- Ranchi- 834002, State Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna- 15.
2. The Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna- 15.
3. The Engineer-In- Chief (Middle), Water Resources Department, Sinchai Bhawan, Patna- 15, now it has been changed as Irrigation Creation, Water Resources Department, Sinchai Bhawan, Patna- 15.
4. The Chief Engineer, Water Resources Department, Katari Hill Road, Gaya- 823001, now it has been changed as Irrigation Creation, Water Resources Department, Nalanda, Bihar Sharif- 803101.
5. The Superintending Engineer, Water Resources Department, Water Ways Circle, Ghoshi (Jehanabad). Now it has been changed as Irrigation Circle, Nalanda at Bihar Sharif- 803101.
6. The Executive Engineer, Water Resources Department, Water Ways Division, Ghoshi (Jehanabad). Now It has been changed as Irrigation Division, Ghoshi (Jehanabad).
7. The Joint Secretary, Water Resources Department, Bihar, Patna- 15.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sriram Krishna, Advocate
		Mr.Manish Sahay, Advocate
For the Respondent/s	:	Mr.Vikash Kumar, SC-11

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 27-10-2021



Heard learned counsel for the parties.

“That, by this application, the petitioner/claimant make a request to this Hon’ble Court for appointment of sole arbitrator in terms of Section 11(6) of the Arbitration and Conciliation Act, 1996 under the circumstances that the respondents have failed to adhere to the terms and conditions of the Agreement No. 01 SBD of 2009-10 dated 11.06.2009 arising out of a work namely “Construction of Turwan Distributory and their structures” and refused to appoint an independent arbitrator vide his letter no. 2176 dated 08.09.2020, issued under signature of one Mr. Arun Kumar Dwedi, the Joint Secretary (Tech), Water Resources Department, Bihar, Patna (i.e. Respondent No.7) in pursuance of notice given to them vide letter dated 15.07.2020 of the petition.”

Learned counsel for the petitioner seeks permission to take recourse to the relevant provisions of settlement of disputes, as contained in Clause 25 of the agreement No. 01 SBD of 2009-10 dated 11.06.2009 (Page 77).

Learned counsel for the respondents states that the respondents shall take a decision on the petitioner’s request expeditiously and positively within the period stipulated under the clause.

Statement accepted and taken on record.

The present petition stands disposed of in the



aforesaid terms, reserving liberty to approach the Court afresh,
if the need so arises subsequently.

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

(Sanjay Karol, CJ)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	1.11.2021
Transmission Date	

