

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.41 of 2021

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Shri Ohm Construction, having its place of business at Mirchaibari, District - Katihar, PIN - 854105, through one of its Director namely - Rajib Ranjan Singh Son of Sri Jibeshwar Prasad Resident of Mirchaibari, Town - Katihar, P.S. - Sahayak Thana, Katihar, District - Katihar, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Rural Works Department, Bihar, Patna.
2. Executive Engineer, Rural Works Department, Works Division, Katihar.
3. Superintending Engineer, Rural Works Department, Circle Purnes.
4. Chief Engineer - 2, Rural Works Department, Bhagalpur at Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prabhakar Nath Rai, Advocate
For the Respondent/s	:	Mr.Pushkar Narain Sahi (AAG 6)
		Mr. Patanjali Rishi, AC to AAG 6

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 27-10-2021

Heard learned counsel for the parties.

This application under Section 11(6) of the Arbitration and Conciliation Act, 1996 has been filed praying for appointment of an Arbitrator to adjudicate the dispute between the parties.

Petitioner approached the authorities vide communication dated 21st of January, 2021 (Page-111),



communication dated 5th of February, 2021 (Page-117) and communication dated 15th of March, 2021 (Annexure-15 series) (Page-124).

State objects the petition on the ground that petitioner was requested to supply the material in support of the claim which has not yet been supplied.

There is no dispute about-(a) the legality, validity and binding effect of the agreement dated 15.02.2018 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.

In view of the arbitration clause being available in the agreement, I find that the matter requires arbitration and, accordingly, invoking Section 11(6) of the Arbitration and Conciliation Act, 1996, I hereby appoint Hon'ble Mr. Justice S.N. Jha, Rtd. Chief Justice, Rajasthan High Court as learned Arbitrator to adjudicate all disputes arising out of agreement dated 26th of February, 2010 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 fees as per the Fourth Schedule of the Arbitration Act.

Since the dispute arises out of an agreement of the year 2010, 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 adjudicate the disputes expeditiously.

Joint 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 22.11.2021 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)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.11.2021
Transmission Date	

