

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.52 of 2020

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Consortium of M/s Tata Projects Limited and M/s Wipro Limited having its address at One Boulevard, 3rd Floor, Lake Boulevard Street, Powai, Mumbai 400076, Maharashtra.

... .. Petitioner/s

Versus

Patna Smart City Limited having its registered office at C/o Patna Municipal Corporation, 2nd Floor, Block-C, Maurya Lok Complex, Dakbunglow Road, Patna Bihar 800001, through its Chairman.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y. V. Giri, Sr. Advocate Mr. Nikhil Kumar Agrawal, Advocate
For the Respondent/s	:	Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 24-03-2021

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 existence, legality, validity and binding effect of the agreement dated 04.04.2019 entered into between the parties to the lis [Annexure-1]; (b) the existence of arbitration clause contained therein; (c) the existence of dispute(s) arisen therefrom; and (d) the parties noticed of the same.



Before this Court it is not disputed that an attempt for amicable settlement was made but dispute effectively could not be resolved.

Parties jointly pray that the dispute emanating out of the agreement, civil in nature, be referred to the Arbitrator.

At this stage, learned counsel for the parties jointly prayed that a former Judge of the Patna High Court, namely, Hon'ble Mr. Justice Jyoti Saran be appointed as an Arbitrator to adjudicate the dispute.

Sri Y. V. Giri, learned Sr. Counsel, under instructions, states that petitioner shall withdraw C.W.J.C. No. 3391 of 2020 titled as *Consortium of M/s Tata Projects Limited and M/s Wipro Limited Vs. The State of Bihar and Ors.* and for the purposes of interim protection/relief file an appropriate application before the learned arbitrator.

Statement accepted and taken on record.

No other plea raised or pressed.

Ordered accordingly.

Petition stands disposed of in the following terms:

(a) Dispute inter se the parties emanating out of the agreement dated 04.04.2019 (Annexure-1) executed between the petitioner and the respondents is referred for arbitration to



Hon'ble Mr. Justice Jyoti Saran, former Judge of the Patna High Court.

(b) the proceedings, as parties agree, can be conducted through the mode of video conferencing;

(c) parties undertake to appear before the learned Arbitrator on 26.04.2021 at 10.30 A.M. 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 undertake 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 of this Court 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)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

